June 6, 2019
9:00 am
95 Perry Street, 5th Floor Conference Room
Buffalo, NY 14203

1. Call Meeting to Order
   a) Welcome New Policy Committee Member – Lavon Stephens

2. Approval of the March 7, 2019 Policy Committee Minutes (Pages 2-7)

3. Project Matrix (Page 8)

4. Project Presentations (Staff – Company Q&A)
   a) 201 Ellicott & Ellicott Green Acres, LLC (Pages 9-48)
   b) 270 Michigan, LLC (Pages 49-86)
   c) Buffalo Material Handling (Pages 87-120)
   d) Fedder Lofts, LLC (Pages 121-157)

5. Fisher Price Project Discussion (Pages 158-177)

6. Adjournment – Next Meeting July 11, 2019 at 9:00 a.m.
MINUTES OF A MEETING OF THE
POLICY COMMITTEE OF THE
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

MEETING: March 7, 2019, at Erie County Industrial Development Agency, 95 Perry Street, 5th Floor Conference Room, Buffalo, New York

PRESENT: Rev. Mark E. Blue, Mr. Richard Cummings, Colleen DiPirro, Richard Lipsitz, Jr., Brenda W. McDuffie¹, John J. Mudie, Laura Smith, David J. State and Maria Whyte


OTHERS PRESENT: Steve Weathers, Chief Executive Officer; John Cappellino, Executive Vice President; Karen M. Fiala, Assistant Treasurer; and Robert G. Murray, Secretary

GUESTS: Andrew Federick, Erie County Senior Economic Development Specialist; Andy Christie and Greg Sehr, on behalf of CPI Process Systems; John Lenio of CBRE, on behalf of McKesson Corporation; Tyson Prince on behalf of Steuben Foods, Inc. and John Thurber on behalf of Unifrax I, LLC

There being a quorum present at 9:07 a.m., the meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the February 7, 2019 Policy Committee meeting were presented. Upon motion made by Mr. Cummings, and seconded by Mr. Mudie, the aforementioned Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

Mr. Cappellino reviewed the Agency’s project matrix. Mr. Lipsitz directed that the report be received and filed.

PROJECT PRESENTATIONS

CPI Process Systems, Inc., 2800 North America Drive, West Seneca, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax

¹ Ms. McDuffie participated via telephone conference call, however, she did not count for quorum purposes and is not considered present or eligible for purposes of voting on any action items.
abatement benefits project involving the company’s construction of a new 11,600 sq. ft. facility which will allow the company to combine all inventory under one roof and will provide more room to stage project orders in order to be more responsive to its customers. The company will also be purchasing machinery and equipment.

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

**Draft Recapture Material Terms**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Project Amount = $3,100,000</td>
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<tr>
<td></td>
<td></td>
<td>85% = $2,635,000</td>
</tr>
<tr>
<td>Employment</td>
<td>Coincides with 10-year PILOT</td>
<td>Maintain Base: 13 FTE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Create 85% of projected</td>
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<tr>
<td></td>
<td></td>
<td>Projected = 2</td>
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<tr>
<td></td>
<td></td>
<td>85% = 2</td>
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<td></td>
<td></td>
<td>Recapture Employment = 15 FTE</td>
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<tr>
<td>Local Labor</td>
<td>Construction Period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Pay Equity/Unpaid Tax</td>
<td>Coincides with 10-year PILOT</td>
<td>Adherence to policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>10-year PILOT term</td>
<td>Recapture of state and local sales tax, mortgage recording tax and real property taxes.</td>
</tr>
</tbody>
</table>

Mr. Cappellino introduced Policy Committee members to Mr. Christie, who spoke on behalf of the company.

At this point in time, Ms. McDuffie joined the meeting via telephone conference.

General discussion ensued.

Mr. Cummings queried as to the company’s MBE/WBE efforts. Mr. Christie stated that the company currently employs 4 women, 9 men and noted that their one of their male employees is an honored veteran. Mr. Christie stated that hiring is typically done via word of mouth, and that the Company is open to hiring good workforce people. Mr. Lipsitz stated that the Company can reach out to Agency staff to facilitate minority hiring outreach.

Mr. Blue moved, and Ms. DiPirro seconded to approve of the project as proposed. Mr. Lipsitz called for the vote and the project was then unanimously approved for recommendation to members of the Agency.
McKesson Corporation, 2871 Broadway, Cheektowaga, New York. Mr. Cappellino presented this proposed sales tax benefits project to occur within a Benderson Development project approved by the ECIDA in 2015 for the construction of two spec buildings totaling 100,000 sq. ft. within the Broadway Industrial Park. McKesson will be leasing 45,000 sq. ft. within one of the buildings. The company will be constructing leasehold improvements and purchasing machinery and equipment to create a fulfillment center at the site.

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

### Draft Recapture Material Terms

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount. Total Project Amount = $16,100,000 85% = $13,685,000</td>
</tr>
<tr>
<td>Employment</td>
<td>Coincides with Recapture Period</td>
<td>Maintain Base: 62 FTE Create 85% Projected Projected: 13 85%: 11 Recapture Employment: 73</td>
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<tr>
<td>Local Labor</td>
<td>Construction Period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Pay Equity/Unpaid Tax</td>
<td>Coincides with Recapture Period</td>
<td>Adherence to policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>2 years after project completion</td>
<td>Recapture of state and local sales tax</td>
</tr>
</tbody>
</table>

Mr. Lenio spoke on behalf of the Company.

Mr. Blue queried regarding diversity of workforce. Mr. Lenio stated that the Company has a diverse workforce but did not have any figures.

Ms. Smith noted that the Company was solicited by Indiana and expressed enthusiasm that the Company has chosen to stay and grow here in Cheektowaga.

Ms. DiPirro spoke in favor of project and thanked the Company for determining to stay and grown locally.

Mr. Cummings queried about company’s MBE hiring process. Mr. Lenio responded by speaking about the Company’s efforts used to attract employees.

Mr. State moved and Ms. Smith seconded to approve of the project as proposed.
Ms. Whyte then stated that Erie County is involved in a lawsuit against the Company so, as Deputy County Executive, she will recuse from participating in the discussion and abstain from voting.

Mr. Lipsitz called for the vote and 7 members voted in favor of the project as proposed, and 1 member abstained. Because the committee requires that 8 votes be cast to take action, Mr. Lipsitz noted that the project would be submitted to the Agency’s board of directors without a recommendation from the Policy Committee because the required number of 8 affirmative votes was not obtained.

Stuben Foods, Inc., 1150 Maple Road, Elma, New York. Mr. Cappellino presented this proposed sales tax and real property tax abatement benefits project consisting of the expansion of Stuben’s warehouse along with equipment purchases to improve its production capabilities. The expansion includes the construction of an 82,500 sq. ft. facility to improve production flow as demand for finished product continues to expand. The project also includes the purchase, installation and implementation of certain machinery and equipment.

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

### Draft Recapture Material Terms

<table>
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<tr>
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</thead>
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<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Project Amount = $16,854,183</td>
</tr>
<tr>
<td></td>
<td></td>
<td>85% = $14,326,055</td>
</tr>
<tr>
<td>Employment</td>
<td>Coincides with 10-Year PILOT</td>
<td>Maintain Base: 564 FTE</td>
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<tr>
<td></td>
<td></td>
<td>Create 85% Projected</td>
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<td></td>
<td>Projected: 27</td>
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<tr>
<td></td>
<td></td>
<td>85%: 23</td>
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<tr>
<td></td>
<td></td>
<td>Recapture Employment: 587</td>
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<tr>
<td>Local Labor</td>
<td>Construction Period</td>
<td>Adherence to policy including quarterly reporting</td>
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<tr>
<td>Pay Equity/Unpaid Tax</td>
<td>Coincides with 10-Year PILOT</td>
<td>Adherence to policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>PILOT Term</td>
<td>Recapture of state and local sales tax and real property taxes</td>
</tr>
</tbody>
</table>

Ms. Whyte spoke in favor of the project.

Mr. Blue asked about public transportation and NFTA bus service. Mr. Prince, on behalf of Company, said that the closest bus station is about a 10 minute walk from the facility. Mr.
Blue asked if City of Buffalo residents are employed by the Company. Mr. Prince responded in the affirmative.

Mr. Lipsitz queried as to how the Company recruits new employees. Mr. Prince stated that the Company utilizes the Department of Labor website, on-line postings and job fairs.

Mr. Lipsitz emphasized the desire to have employers improve diversity hiring efforts.

Mr. State informed Steuben as to how the NFTA can assist in establishing a bus stop closer to the Company’s facility.

Ms. DiPirro then moved and Mr. Blue seconded to approve of the project as proposed. Mr. Lipsitz called for the vote and the project was then unanimously approved for recommendation to members of the Agency.

Unifrax 1, LLC, 55 Pirson Parkway, North Youngmann Commerce Center Business Park, Tonawanda, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the construction of an additional 90,000 sq. ft. of manufacturing space along with the purchase of production machinery and equipment.

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

**Draft Recapture Material Terms**

<table>
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<tr>
<th>Condition</th>
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<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount. Total Project Amount = $36,000,000 85% = $30,600,000</td>
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<tr>
<td>Employment</td>
<td>Coincides with 7-Year PILOT</td>
<td>Maintain Base: 27 Create 85% Projected Projected: 10 85%: 8 Recapture Employment: 35</td>
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<td>Local Labor</td>
<td>Construction Period</td>
<td>Adherence to policy including quarterly reporting</td>
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<tr>
<td>Pay Equity</td>
<td>Coincides with 7-Year PILOT</td>
<td>Adherence to policy</td>
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<td>Unpaid Tax</td>
<td>Coincides with 7-Year PILOT</td>
<td>Adherence to policy</td>
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<td>Recapture Period</td>
<td>Coincides with 7-Year PILOT</td>
<td>Recapture of state and local sales tax, mortgage recording tax and real property taxes</td>
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</tbody>
</table>
Mr. Thurber spoke on behalf of the company.

Mr. Blue complimented the company on its growth, hiring and continued commitment to Erie County.

Mr. Blue then moved and Ms. Whyte seconded to approve of the project as proposed. Mr. Lipsitz called for the vote and the project was then unanimously approved for recommendation to members of the Agency.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:58 a.m.

Dated: March 7, 2019

Robert G. Murray, Secretary
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<th>Count</th>
<th>Project Name</th>
<th>Approval Date</th>
<th>Project Amount</th>
<th>Investment</th>
<th>Jobs Retained</th>
<th>Jobs Created</th>
<th>Factors</th>
<th>Clawback</th>
<th>Local Labor</th>
<th>Length of Term</th>
<th>Additional Findings</th>
<th>Incentive Amount</th>
<th>Adaptive Reuse</th>
<th>Pay Equity</th>
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<td>1</td>
<td>Roar Logistics</td>
<td>Jan-19</td>
<td>$3,425,000</td>
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<td>Period of PILOT 7</td>
<td>Years</td>
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<td>$18,200,000</td>
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<td>Project Completion</td>
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<td>Steuben Foods, Inc.</td>
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<td>555</td>
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<td>Sales Tax</td>
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<td>Period of PILOT 10</td>
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<tr>
<td>1</td>
<td>Unifrax 1, LLC</td>
<td>Mar-19</td>
<td>$36,000,000</td>
<td>85%</td>
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<td>10</td>
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<td>Mortgage Sales Tax</td>
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<td>Period of PILOT 7</td>
<td>Years</td>
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<td>$2,603,750</td>
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<td>1</td>
<td>CPI Process Systems</td>
<td>Mar-19</td>
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<td>85%</td>
<td>12</td>
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<td>PILOT</td>
<td>Mortgage Sales Tax</td>
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<td>Period of PILOT 10</td>
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<thead>
<tr>
<th></th>
<th>Project Amount</th>
<th>Investment</th>
<th>Jobs Retained</th>
<th>Job Creation</th>
<th>Jobs Created</th>
<th>Factors</th>
<th>Clawback</th>
<th>Local Labor</th>
<th>Length of Term</th>
<th>Additional Findings</th>
<th>Incentive Amount</th>
<th>Adaptive Reuse</th>
<th>Pay Equity</th>
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<tbody>
<tr>
<td>Adaptive</td>
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2019 Total | $7,253,841
<table>
<thead>
<tr>
<th><strong>Eligibility</strong></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>NAICS Section</strong></td>
<td>531120, 445230, 424480</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>Company Incentives</strong></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Approximately $339,513 in sales tax savings</td>
<td></td>
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<tr>
<td>Approximately $391,000 in real property tax savings</td>
<td></td>
</tr>
<tr>
<td>Up to 3/4 of 1% of the final mortgage amount estimated at $34,500</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Employment</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Projected New Jobs</td>
<td>FT - 25, PT - 40</td>
</tr>
<tr>
<td>Total Jobs 2 Years after Project Completion</td>
<td></td>
</tr>
<tr>
<td>Annual payroll</td>
<td>$1,622,000</td>
</tr>
<tr>
<td>Estimated salary of jobs to be created</td>
<td>$29,637</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Project History</strong></th>
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<tbody>
<tr>
<td>05/30/2019</td>
<td>Public hearing held. Transcript attached.</td>
</tr>
<tr>
<td>5/6/2019</td>
<td>City of Buffalo as lead agency adopts negative declaration in accordance with SEQRA.</td>
</tr>
<tr>
<td>6/26/2019</td>
<td>Lease/Leaseback Inducement Resolution presented to the Board of Directors.</td>
</tr>
</tbody>
</table>

**Project Title:** 201 Ellicott, LLC & Ellicott Green Acres, LLC (d/b/a Braymiller Market)

**Project Address:**
201/203 Ellicott Street
Buffalo, New York 14203
Buffalo City School District

**Agency Request**

A sales tax, mortgage recording tax and real property tax exemption in connection with the construction of a 21,510 sq. ft. grocery store and approval of the assignment and assumption of Agency Lease and PILOT from 201 Ellicott, LLC to Ellicott Green Acres, LLC upon project completion.

- **Land Acquisition:** $175,000
- **Building Construction:** $4,160,000
- **Non-Manufacturing Equipment:** $1,800,000
- **Soft Costs:** $766,599

**Total Project Cost:** $6,901,900

**85%** $5,866,615

**Company Description**

201 Ellicott, LLC is a corporation formed by Ciminelli Development. Paul Ciminelli owns 100% of the LLC. Ellicott Green Acres, LLC was formed by Stuart Green who owns 100% of the corporation and is also the owner of Braymiller Market, the ultimate tenant.

Braymiller Market has over 70 years of experience in providing fresh produce and specialty foods utilizing local farmers.

**Project Description**

The proposed project consists of the construction of a 21,510 sq. ft. fresh food market; the first of its kind in the downtown Buffalo market. 201 Ellicott, LLC will undertake the construction of the facility. The market will focus on the sale and distribution of affordable fresh foods to restaurants, residents, commuters, visitors and businesses in the City of Buffalo. Locally-sourced produce, a café for fresh prepared foods, catering and seasonal items such as pumpkins and annuals will be offered.

The retail portion of the grocery store will encompass 9,280 sq. ft. and the wholesale side of the business will occupy 9,580 sq. ft. A back office will take up the remaining space.

Currently the neighborhoods surrounding 201 Ellicott continue to be underserved with respect to the accessibility to fresh, healthy food. Adjacent census tracts include at least 1/3 of residents that live farther than 1/2 to 1 mile to the nearest supermarket. It is estimated 60% of sales will be to wholesalers with the remaining 40% devoted to customers who personally visit the site. The City and the company are working to obtain funding for a USDA Healthy Food Financing Initiative grant.

The site is currently utilized as a surface parking lot and owned by the City of Buffalo which makes it exempt from real estate taxes.
The project will serve to complement an adjacent development of over 200 affordable one and two bedroom units being undertaken by Ciminelli Development.

The project is located in a census tract that is considered highly distressed under State statute with many other highly distressed census tracks surrounding it.

It is anticipated that upon project completion, 201 Ellicott, LLC will assign the ECIDA Lease and PILOT to Ellicott Green Acres, LLC.

### Retail Determination

<table>
<thead>
<tr>
<th>Project Use</th>
<th>Sq. Ft.</th>
<th>Cost</th>
<th>1% of Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grocery Warehouse</td>
<td>9,580</td>
<td>$1,841,760</td>
<td>44</td>
</tr>
<tr>
<td>Grocery/Retail</td>
<td>9,280</td>
<td>$1,784,085</td>
<td>43</td>
</tr>
<tr>
<td>Backoffice in Support of Operation</td>
<td>2,780</td>
<td>$534,456</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>21,640</td>
<td>$4,160,301</td>
<td>100%</td>
</tr>
</tbody>
</table>

On June 26, 2019 the Board determined that the project was a retail project as it was located in a highly distressed area. In addition the project makes available goods and services which would not, but for the project, be reasonably accessible to residents of the municipality. In compliance with Section 862 of the NY General Municipal Law, the chief executive officer of Erie County will provide written confirmation confirming the financial assistance.

### New Tax Revenue Estimated

<table>
<thead>
<tr>
<th>Current Yearly Taxes</th>
<th>Estimated New Assessed Value</th>
<th>Additional County Revenue over abatement period</th>
<th>Additional Local Revenue Over abatement period</th>
<th>New Yearly Taxes Upon Expiration of Abatement Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$2,000,000</td>
<td>$22,000</td>
<td>$84,000</td>
<td>$71,000</td>
</tr>
<tr>
<td>Combined Tax Rate: $35.50</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Draft Recapture Material Terms

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount. Total project amount = $6,901,900. 85% = $5,866,615</td>
</tr>
<tr>
<td>Employment</td>
<td>Coincides with 7-year PILOT</td>
<td>Create 85% of Projected. Projected = 45 FTE. 85% = 38. Recapture Employment = 38</td>
</tr>
<tr>
<td>Local Labor</td>
<td>Construction period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Pay Equity</td>
<td>Coincides with 7-year PILOT</td>
<td>Adherence to Policy</td>
</tr>
<tr>
<td>Unpaid Tax</td>
<td>Coincides with 7-year PILOT</td>
<td>Adherence to Policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>Coincides with 7-year PILOT</td>
<td>Recapture of Mortgage recording tax, state and local sales taxes</td>
</tr>
</tbody>
</table>

Recapture applies to:
- State and Local Sales Taxes
- Real Property Tax
- Mortgage Recording Tax

### Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has created 45 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.
Braymiller City Market represents a tremendous opportunity to meet this need and fulfill the project objective.

3. Project Narrative

a. The Community to be involved in the Project and the Need to be Addressed

The Braymiller City Market will be located at 201 Ellicott in downtown Buffalo, NY. While many urban downtowns have experienced revitalization in past decades, attracting new residents and businesses to urban living and restoring and improving communities, some areas trail behind the national trend. Buffalo has experienced some revitalization activity in its downtown over the past seven years; however it continues to face deep, systemic challenges such as very high poverty and unemployment rates, low incomes, and low access to quality fresh foods. Thankfully this recent revitalization has ushered in a new era of optimism about the city. Coupled with strategic public investments and planning, this optimism has fueled interest from private investment and made the potential of a project such as 201 Ellicott and the Braymiller City Market tangible. The community around 201 Ellicott has long recognized the need and called for a fresh food store. In 2012, the Buffalo Building Reuse Project\(^1\), a strategic effort to revitalize downtown Buffalo led by City of Buffalo Mayor Byron Brown, released a report calling for targeted investments that would in turn produce retailers such as grocers and markets. Despite the success of the endeavor, downtown remains a challenging place for an entirely private market-led grocery development. In 2014, a downtown resident and stakeholder input project began with a focus on public infrastructure investment. The resulting report, the Downtown Buffalo Infrastructure and Public Realm Master Plan\(^2\), returned a very high community objective for a grocery store in downtown. In light of this finding, the city included in its Request for Qualifications for the development of the 201 Ellicott surface parking lot a requirement to include a “full line grocery” store \(^3\).

The local food economy around 201 Ellicott is challenged. The census tract of 201 Ellicott (165), while not a low-supermarket access tract, is a low-income tract with a 31% poverty rate and a median household income as of 2017, $69,600, about equal to the metropolitan area figure, $68,200. Importantly, every family with dependent children in the tract is beneath the poverty line. Additionally, all but one of the seven adjacent census tracts surrounding the 201 Ellicott tract are both low-income and low-access\(^4\): the average poverty rate of these tracts is 31% and the average median household income is approximately $25,000. Six of the seven tracts that surround 201 Ellicott are low-income and low-access tracts where greater than 100 households in any tract do not have access to a vehicle and are beyond a half mile away from a supermarket. Of all seven tracts that surround it, 201 Ellicott is closest to the poorest tract,

\(^4\) The seven census tracts of Erie County, NY that surround 201 Ellicott are: 68, 25.02, 14.02, 164, 5, 72.02, 71.02.
tract 14.02. About a five minute, third mile walk to the east, the poverty rate in tract 14.02 is a staggering 43.8%, with a median income of $16,177 in 2017 dollars.

From 201 Ellicott, the nearest supermarket is 1.2 miles away, over two census tracts, and requires a 10-12 minute car or bus ride or a twenty five minute walk one-way. The closest distance of any supermarket from the boundary of the tract is 0.6 miles away. 201 Ellicott is not a low-access supermarket tract because a majority of its residents have vehicular access and can reach such stores through their own means. As discussed and illustrated, however; 201 Ellicott’s tract is nearly surrounded by low-access and low-income tracts. Braymiller City Market is an important opportunity to enable the residents of those tracts – the poorest of which are the very closest – the ability to access local and fresh foods. The other components of the project, affordability and mobility, reflect this inclusive direction.

The location is eligible through criteria #3 of the definition of underserved areas/communities, as the location is a defined census tract with a poverty rate greater than 20%. The below map shows the location of 201 Ellicott as a red square, its census tract colored blue for low income, and the adjacent areas colored to low-income, or low-income and low access. Additionally, the location meets the primary goal established by the City of Buffalo in its Request for Proposals – issued by the City of Buffalo’s Mayor’s Office of Strategic Planning, and subsequently approved by its Common Council – to provide a grocery store for downtown Buffalo accessible to the underserved residents within and around downtown. The primary motivation for the activity – i.e. establishment of a grocery store in downtown Buffalo – is to provide fresh foods to low-access and low-income residents. The successful operation of a retailer will achieve that objective.
** The PILOT Worksheet will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

### PILOT Estimate Table Worksheet-201 Ellicott LLC – 2019

<table>
<thead>
<tr>
<th>Dollar Value of New Construction and Renovation Costs</th>
<th>Estimated New Assessed Value of Property Subject to IDA*</th>
<th>County Tax Rate/1000</th>
<th>Local Tax Rate (Town/City/Village)/1000</th>
<th>School Tax Rate/1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4,160,000</td>
<td>$2,000,000</td>
<td>$7.33</td>
<td>$28.21</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Apply equalization rate to value

<table>
<thead>
<tr>
<th>PILOT Year</th>
<th>% Payment</th>
<th>County PILOT Amount</th>
<th>Local PILOT Amount</th>
<th>School PILOT Amount</th>
<th>Total PILOT</th>
<th>Full Tax Payment w/o PILOT</th>
<th>Net Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10%</td>
<td>$1,466</td>
<td>$5,644</td>
<td>$7,110</td>
<td>$71,098</td>
<td>$63,988</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>10%</td>
<td>$1,466</td>
<td>$5,644</td>
<td>$7,110</td>
<td>$71,098</td>
<td>$63,988</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>20%</td>
<td>$2,932</td>
<td>$11,288</td>
<td>$14,220</td>
<td>$71,098</td>
<td>$56,878</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>20%</td>
<td>$2,932</td>
<td>$11,288</td>
<td>$14,220</td>
<td>$71,098</td>
<td>$56,878</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>30%</td>
<td>$4,398</td>
<td>$16,931</td>
<td>$21,329</td>
<td>$71,098</td>
<td>$49,769</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>30%</td>
<td>$4,398</td>
<td>$16,931</td>
<td>$21,329</td>
<td>$71,098</td>
<td>$49,769</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>30%</td>
<td>$4,398</td>
<td>$16,931</td>
<td>$21,329</td>
<td>$71,098</td>
<td>$49,769</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$21,990</td>
<td>$84,657</td>
<td>$106,647</td>
<td>$497,686</td>
<td>$391,039</td>
<td></td>
</tr>
</tbody>
</table>

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>Estimated Value of PILOT</th>
<th>Estimated Value of Sales Tax Incentive</th>
<th>Estimated Value of Mortgage Tax Incentive</th>
<th>Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$6,901,900</td>
<td>$391,039</td>
<td>$339,513</td>
<td>$34,500</td>
<td>$2,250,000</td>
</tr>
</tbody>
</table>

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 43.6%
**ADDENDUM TO PROJECT LOG**
201 ELLICOTT, LLC/ELLICOTT GREEN ACRES, LLC, d/b/a Braymiller
Market - 2019

<table>
<thead>
<tr>
<th>Evaluative Criteria</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Study/Goods or Services Not Readily Available, Impact on Existing Businesses (Municipal CEO approval)</td>
<td>Project’s location is within a highly distressed census tract according to State statute. Furthermore, the City of Buffalo has referred to this area as a “food desert”; an urban area in which it is difficult to buy affordable or good quality fresh food.</td>
</tr>
<tr>
<td>Regional Wealth Creation (% sales/customers outside area)</td>
<td>Almost 100% of sales are local</td>
</tr>
<tr>
<td>Highly Distressed Census Tracts</td>
<td>This project is located in census tract 165 and is considered highly distressed under State statute with many other highly distressed census tracks surrounding it.</td>
</tr>
<tr>
<td>Urban or Town Center Location</td>
<td>The project is located in the urban core</td>
</tr>
<tr>
<td>Elimination of Slum and Blight</td>
<td>Project location is on vacant land currently utilized as above-ground parking</td>
</tr>
<tr>
<td>Alignment with Local Planning and Development Efforts</td>
<td>Pursuant to a market study conducted by the City of Buffalo the community around 201 Ellicott has long recognized the need an called for a fresh food store. In 2012, the Buffalo Building Reuse Project, a strategic effort to revitalize downtown Buffalo released a report calling for targeted investments that would in turn produce retailers such as grocers and markets. In 2014, a downtown resident and stakeholder input project began with a focus on public infrastructure investments. The resulting report, the Downtown Buffalo Infrastructure and</td>
</tr>
<tr>
<td>Workforce Access – Proximity to Public Transportation</td>
<td>Property is accessible by Metro Rail and Bus lines 7 and 8</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>MBE/WBE Utilization</td>
<td>As part of the land purchase agreement with the City of Buffalo the developer has agreed to the following goals: MBE and minority workforce utilization of 25% and WBE and women and workforce utilization of 5%</td>
</tr>
</tbody>
</table>

June 26, 2019
Internal Report: 201 Ellicott, LLC - Ellicott Green Acres, LLC

Table 1: Basic Information

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Ellicott Green Acres, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Industry</td>
<td>(42) Wholesale Trade</td>
</tr>
<tr>
<td>Municipality</td>
<td>Buffalo City</td>
</tr>
<tr>
<td>School District</td>
<td>Buffalo</td>
</tr>
<tr>
<td>Project Cost</td>
<td>$6,901,599</td>
</tr>
<tr>
<td>Construction Budget</td>
<td>$4,160,000</td>
</tr>
<tr>
<td>Direct Employment Expected</td>
<td>45</td>
</tr>
<tr>
<td>Direct Labor Income</td>
<td>$1,333,665</td>
</tr>
<tr>
<td>Direct Construction Jobs</td>
<td>30</td>
</tr>
<tr>
<td>Direct Construction Labor Income</td>
<td>$1,598,791</td>
</tr>
<tr>
<td>Total Labor Income</td>
<td>$2,932,456</td>
</tr>
</tbody>
</table>

Table 2: Estimated State & Regional Benefits*

<table>
<thead>
<tr>
<th>Region</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Property Tax Revenue (PILOT or Improvements)</td>
<td>$103,075</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$140,929</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td></td>
</tr>
<tr>
<td>Income Tax Revenue</td>
<td>$164,112</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$118,677</td>
</tr>
<tr>
<td><strong>TOTAL Estimated Revenue</strong></td>
<td><strong>$526,794</strong></td>
</tr>
</tbody>
</table>

Table 3: Estimated Project Incentives*

| Project Tax Savings               | $390,402                |
| Sales Tax Savings                 | $339,500                |
| Mortgage Tax Savings              | $34,500                 |
| **TOTAL Estimated Incentives**    | **$764,402**            |
Table 4: Employment Breakdown

<table>
<thead>
<tr>
<th>Project</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct**</td>
<td>45</td>
</tr>
<tr>
<td>Indirect***</td>
<td>0</td>
</tr>
<tr>
<td>Induced****</td>
<td>0</td>
</tr>
</tbody>
</table>

Construction

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td>30</td>
</tr>
<tr>
<td>Indirect</td>
<td>11</td>
</tr>
</tbody>
</table>

Table 5: Ratios

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit to Cost Ratio</td>
<td>0.7:1</td>
</tr>
<tr>
<td>Overall ROI</td>
<td>14.6:1</td>
</tr>
</tbody>
</table>

* Figures over 7 years and discounted by 3.49%  
** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.  
*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.  
**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

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SEQRA Notice of Determination

Non Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo, Planning Board
901 City Hall
65 Niagara Square
Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: 201 Ellicott Mixed-Use Development

Location: 201 Ellicott Street, Buffalo, NY

Type of Action: Type I per 6 NYCRR 617.4(b)(9) – New Construction adjacent to Historic District & Historic Structures

Description: The Action consists of the proposed construction of a seven story and five story residential building (+/-200,000 total square feet) comprised of 201 one and two bedroom affordable housing units, and one superintendent’s unit on a 2.5 acre parcel of land currently used as a parking lot at 201 Ellicott Street. A stand-alone market (+/-20,000 square feet) would be sited on the north side of the property and include 29 parking spaces specifically for the market users. The project would have vehicular access off of Ellicott and Oak Streets. The site will incorporate new pervious surfaces/green infrastructure and will treat stormwater on-site in accordance with Buffalo Sewer Authority (BSA) requirements for stormwater management. The action has been defined broadly to include all proposed site improvements as depicted on the architectural and engineering plans submitted with the Site Plan Application as well as all required discretionary approvals and permits.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not have result in any potentially significant adverse effect or impacts on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The identified potential impacts have been thoroughly evaluated and determined to be not significant. A lead agency solicitation letter and application materials was issued on March 9, 2019 in connection with the coordinated environmental review of the action to the involved and interested agencies. None of the involved and interested agencies that responded objected to the Planning Board acting as the designated agency nor did any of the involved and interested agencies express any concerns that the action would result in potentially significant adverse environmental impacts.

Impacts on Land

The construction of the new buildings and associated site improvements will not have any significant adverse environmental impacts on land as the site contains an existing parking lot and various impervious site improvements/surfaces, and soils on site consist of urban fill soils. Environmental remediation work performed on site will be in accordance with the New York State Department of Environmental Conservation’s (NYSDEC) Brownfield Cleanup
Program (BCP) to appropriate remediation standards (see “Impact to Human Health” for additional information) for the proposed uses. No significant adverse environmental impacts are anticipated.

**Impacts on Air Quality**

The project will not have a significant impact on air and would not require an air permit. During project construction, all applicable regulations will be adhered to in order to minimize any adverse impacts from site clearance and construction to the maximum extent practicable. No significant adverse environmental impacts are anticipated.

**Impacts on Surface Water**

The project will not have a significant adverse impact on ground or surface water quality or quantity and will not result in any significant adverse impacts on surface water or groundwater quality or quantity. The existing surface parking lot on the site does not include a stormwater management system. A stormwater pollution prevention plan (SWPPP) prepared by licensed engineer has been submitted in accordance with Buffalo Sewer Authority (BSA) standards for handling runoff during construction of the project in order to incorporate required erosion and sediment control practices. The stormwater management system to be installed will comply with applicable stormwater quality and quantity standards will include pervious pavement, underground storage detention and dry bio-retention facilities. No significant adverse environmental impacts are anticipated.

**Impacts on Transportation**

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service. The Traffic Impact Study dated February 2019, the February Transportation Demand Management Plan dated February 2019 and the April 19, 2019 supplemental traffic impact letter prepared by Michael Leydecker, P.E., of Wendel, demonstrate the proposed project will not have a significant impact on traffic operations. The Traffic Impact Study includes an evaluation of thirteen intersections in the vicinity of the project site and evaluated Levels of Services at these intersections based on consideration of existing conditions combined with projected trips for the project. The project will not result in reductions of the Levels of Service at the numerous intersections that were evaluated during peak travel periods as confirmed by the Level of Service Summary provided at Appendix A of the Traffic Impact Study. The project will result in the displacement of the existing 375 spaces on the project site, although a large number of parking spaces are available within a walking distance of the project site as evidenced by information presented to the Planning Board. The Traffic Impact Study confirms that road and intersection capacity in the project area is adequate to accommodate any increase in traffic generated by displaced users of the existing parking lot, and the proposed project will result in a reduction in project generated site traffic compared to the traffic generated by the existing 375 space parking lot. No significant adverse environmental impacts are anticipated.

The Transportation Demand Management Plan was prepared in accordance with Section 8.4 of the Unified Development Ordinance and the City’s Transportation Demand Policy Guide, The Transportation Demand Management Plan includes a detailed description of the Transportation Demand Management Strategies that will be implemented by the Project Sponsor to reduce the vehicular trip generation from the project and parking demand by forty percent, which exceeds the target demand reduction for travel and parking demand of twenty percent per Section 3.5B of the Transportation Demand Management Policy for proposed projects in the N-1C zoning district. The Transportation Demand Management Strategies to be implemented as described Section 4 of the Transportation Demand Management Plan include the following: membership in a Transportation Management Association, a TDM Coordinator, a Guaranteed Ride Home program, a car pool/rideshare program, an on-site bike repair station, a car share station, a bike share station, etc.

The proposed project will not result in the construction of a paved parking area for 500 or more vehicles. The proposed market on site will also have 29 parking spaces specifically for the market users in order to reduce any parking demand on adjacent on-street parking and other parking facilities. No significant adverse environmental impacts are anticipated.
The proposed action will not degrade existing transit access. The project site is currently served by public transportation in the form of bus and rail service within the immediate project area with existing capacity to support users of the proposed project. No significant adverse environmental impacts are anticipated.

The proposed action will not degrade existing pedestrian or bicycle accommodations. Bicycle parking and other alternative modes of transportation will be included as part of the overall project. This includes a mobility hub that will offer multiple transit options such as a pick-up and drop-off for ride-sharing services, car-sharing, a bus stop with NFTA real-time route information and bike rentals that will be incorporated into the overall site design and layout. No significant adverse environmental impacts are anticipated.

**Impacts on Noise, Odor and Light**

The project will not have a substantial adverse change on noise levels. The proposed uses are similar to the existing character of the area which consists of commercial, institutional, residential and mixed uses in an urban environment. The project will generate additional noise during construction, however, these impacts will be temporary and such impacts will be minimized to the maximum extent practicable.

The project will not have a substantial increase in solid waste production. The use of the site for residential and commercial uses will not significantly increase waste. Waste from the site will be disposed of in accordance with local and state regulations.

The project will use code compliant lighting and not have an impact on adjacent properties per the submitted site lighting plan.

No significant adverse environmental impacts are anticipated.

**Impacts on Flooding**

The project is not located within a 100-year floodplain and therefore no significant adverse environmental impacts are anticipated.

**Impacts on Flora and Fauna**

The project will not result in the removal or destruction of large quantities of vegetation or fauna; substantially interfere with the movement of any resident or migratory fish or wildlife species; impact on a significant habitat area; impact a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

**Impacts on a Critical Environmental Areas**

The project is located in an urban area and is not within or adjacent to a Critical Environmental Area and will therefore, not impair the environmental characteristics of a Critical Environmental Area.

**Consistency with Community Plans**

The proposed action is generally consistent with the community’s current plans and goals, including the development of mixed-use infill developments and affordable housing in the project area. The proposed action requires various area variances for the market building and market site improvements of the project including: less than required building height, front yard setback (Ellicott & Oak Streets), build-to percentage (Oak Street), interior side yard setback, front façade transparency (Oak Street), corner side façade transparency, fence height to screen an existing National Fuel utility structure, refuse/recycling area not permitted in front yard, parking not permitted in the interior side yard, and a loading area not permitted on the front façade, as well as areas variances for the affordable housing building and affordable housing improvements including front yard setback (Ellicott & Oak), less than required ground story height, and fence height for the residential buildings.
Although the proposed project is generally consistent with the existing pattern of development in the project area, the requested area variances and certain aspects of the project design are not in compliance with applicable zoning standards in the Unified Development Ordinance, but the project is generally consistent with the adopted Land Use Plan and the Comprehensive Plan. This is a minor adverse environmental impact and is not a significant adverse environmental impact.

In addition, the proposed project aligns with certain planning objectives in Section 4 of the Land Use Plan, specifically as it relates to the acceleration of downtown's momentum though the development of mixed use developments on existing surface parking lots and the reduction of commercial parking lots from 40 acres to 30 acres in the Central Business District (20% reduction by proposed project); redevelopment of an underutilized brownfield; encouraging all sectors of the local food economy; reinforcing neighborhood centers; increasing downtown residents; providing affordable housing; encouraging the use of public transportation and alternate means of transportation; and, incorporating green infrastructure into the site design that limits the project's impacts on the combined storm and sanitary sewer system. No significant adverse environmental impacts are anticipated.

Consistency with Community Character

The proposed action will not replace or eliminate existing facilities, structures or any areas of historic importance to the community as it involves infill development on an existing parking lot that was previously developed with commercial structures. Although the project is located adjacent to listed and eligible historic sites and districts, the proposed project will not interfere with the use or enjoyment of these historic resources. In addition, the proposed project is consistent with the predominant architectural scale and character of the immediate project area as reflected by the existing inventory of old and new structures of varying scale adjacent to the site. The existing parking lot is not of historic importance to the community and therefore no significant adverse environmental impacts are anticipated.

The proposed action will include extensive landscaping as depicted on the Landscape Plan. The landscaping includes numerous native trees, bushes and shrubs as listed within the Planting Schedule provided on the Landscape Plan. The extensive landscaping to be provided in connection with project represents a substantial improvement to existing conditions.

The proposed action will create a minor demand on local schools, police, fire, and emergency services, however, the proposed project is located in a developed area of the community that has the existing capacity to accommodate the increased population that will utilize these services. Nearby schools include Buffalo Elementary School of Technology at 414 S Division Street, Futures Academy at 295 Carlton Street, and City Honors at 186 E North Street. Emergency services include a Police Department at 695 Main Street and a Fire Department at 132 Ellicott Street. Several area parks with the project area include Fireman’s Park and Lafayette Square which are within a several minute walk from the site. No significant adverse environmental impacts are anticipated.

The proposed action will not displace affordable or low-income housing in an area where there is a shortage of such housing. The residential component of the proposed development will consist of 201 affordable residential units, responding to the need in the City for affordable apartments for lease. This includes housing entirely of affordable residential units for those at 50%, 60%, and 80% of the area median income (AMI). No significant adverse environmental impacts are anticipated.

The proposed action will not interfere with the use or enjoyment of officially recognized or designated public resources. The existing parking lot is not an officially recognized or designated public resource. Although the proposed project will add population to the immediate project area that will increase the demand for parks, playgrounds, public, cultural or recreational facilities, these resources are currently available and have adequate capacity to service these demands. No significant adverse environmental impacts are anticipated.

The proposed action is generally consistent with the predominant architectural scale and character of the surrounding area and is overall consistent with the existing community and neighborhood character. The proposed project site is
located in a developed urban center that contains a mix of old and new buildings, structures and other amenities of varying scale and architectural styles, with existing land uses in the immediate project area consisting or commercial, institutional, recreational and residential developments. No significant adverse environmental impacts are anticipated.

The proposed action is consistent with the character of the existing natural landscape which consists of a developed urban area adjacent to the City’s central business district, which contains a wide variety of building types, structures, infrastructure and land uses. No significant adverse environmental impacts are anticipated.

**Impacts on Historic and Archeological Resources**

The project will not significantly impact the character and quality of a historic resource. Although the site is adjacent to listed buildings in the J.N. Adams/ A.M. & A. Historic District (National Register) and located across from the Lafayette Hotel (National Register), the proposed action will not impact the character and quality of a historic resource as the site currently contains a parking lot and impervious surfaces which the proposed mixed-use development would be constructed on. The proposed buildings are similar to other building heights in the immediate project area and are generally consistent with the array of varying architectural styles in the district which contains a blend of new and older structures. NYSHPO reviewed the proposed design and determined it to be compatible with the surrounding neighborhood and appropriate as outlined in correspondence from Sloane Bullough, Historic Sites Restoration Coordinator, dated April 11, 2019. No significant adverse environmental impacts are anticipated.

The project will not impact the character and quality of an archeological resource. There are no known and/or identified significant cultural resources, such as prehistoric/precontact settlements or historic period deposits, on site or adjacent to the property. Although a portion of the proposed action is located within an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (NYSHPO) archaeological site inventory and the historic period occupation of this block spans pre-1850 through approximately 1966, consisting of both commercial and residential buildings, the site is currently developed and ground disturbance will occur on previously developed and disturbed areas. Based on the April, 2019 Phase IA Cultural Resources Investigation prepared for the project site by PanAmerican Consultant Inc. and reviewed by the NYSHPO, additional Phase IB subsurface investigations are warranted at the project site in limited locations as depicted on Figure 14 of the Phase IA Cultural Resources Investigation Report and will need to be undertaken through archaeological monitoring. NYSHPO has indicated that these investigations may proceed in concert with the proposed brownfield cleanup effort under a developed monitoring plan as outlined in correspondence from Josalyn Ferguson, Scientist Archaeology, dated April 23, 2019. No significant adverse environmental impacts are anticipated.

**Impacts on Energy & Public Utilities**

The project will not result in a major change in the quantity or type of energy used. There will be a minor increase in energy consumption consistent with the commercial and residential uses at this site, but these impacts would not be significant and would not require utility upgrades to provide an increase in demand in the service area as adequate capacity currently exists. No significant adverse environmental impacts are anticipated.

The project will create a demand on existing sanitary waste facilities provided by the Buffalo Sewer Authority, although general capacity is available according correspondence from Catherine H. Knab, P.E., Principal Sanitary Engineer, dated April 17, 2019. As the proposed project will exceed 2,500 gallons per day of residential sewage, a downstream capacity analysis will be required for Erie County Department of Health approval. No significant adverse environmental impacts are anticipated.

**Impacts on Human Health**

The project will not create a hazard to human health. The proposed uses does not involve hazardous materials and/or operations. Based upon investigations conducted to date, the primary contaminants of concern include VOCs, PAH
compounds and heavy metals in fill material present throughout the property. Concentrations of VOCs, PAH compounds and metals are present in the fill material exceeding Soil Cleanup Objectives (SCOs) for the intended use of the site as a mixed-use development with residential uses. The site is currently active in the NYSDEC’s BCP (Site Code: C915331) and will be remediated to allow for restricted residential uses. All applicable local and state regulations must be adhered to in regards to any environmental contaminants present on site and/or from removed building materials found on site. Although this is a moderate adverse impact, site remediation will remove contaminants that could potentially pose a threat to human health and will achieved site specific soil cleanup objectives for the proposed on site uses. No significant adverse environmental impacts are anticipated.

**Impacts on Aesthetic Resources**

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The project is consistent with current land use patterns in the immediate and surrounding project area, and while visible from designated historic resources, it is not visible from and will not obstruct any officially designated federal, state, or local scenic or aesthetic resource. No significant adverse environmental impacts are anticipated.

**Additional Considerations**

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCCR 617.7(c)(1).

For further information relative to this Negative Declaration, contact Ms. Nadine Marrero, AICP, Director of Planning, Room 901 City Hall, Buffalo, New York 14202, (716) 851-5029.

Dated: May 6, 2019

CC: Mayor Byron Brown  
Common Council  
Involved/Interested Agencies  
Applicants
PUBLIC HEARING SCRIPT

201 Ellicott, LLC, Ellicott Green Acres, LLC dba Braymiller Market and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf Project

Public Hearing to be held on May 30, 2019 at 10:00 a.m., at the Erie County Industrial Development Agency’s offices located at 95 Perry Street, Suite 403, Buffalo, NY 14203

ATTENDANCE:
Stuart Green – Braymiller Market
Denise Juron-Borges – Ciminelli Real Estate Corp.
Ann Duggan - Ciminelli Real Estate Corp.
Jim Gottistine- Ciminelli Real Estate Corp.
Karen Fiala – ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 10:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing.

☐ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 201 Ellicott, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Monday, May 20, 2019.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) a leasehold interest in a portion of a 2.5+- acre parcel of land located at 201 Ellicott Street, City of Buffalo, Erie County, New York (the “Land”); (ii) the construction and equipping of a 21,640+- fresh food market consisting of wholesale space (9,580+- SF), retail space (9,280+- SF), and back office space (2,780+- SF), with 29+- parking spaces specifically for the market users on the Land to serve an adjacent 201-unit affordable housing project to be built on the remaining portion of the 2.5+- acre parcel and surrounding
community (the “Improvements”), and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the “Equipment”, and collectively with the Land and the Improvements, the “Facility”).

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

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

Hearing Officer: All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203 until the comment period closes on June 25, 2019. There are no limitations on written comments.

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

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

Denise Juron-Borgese, Ciminelli Real Estate Corp. – Braymiller Market at 201 Ellicott Street is a fresh food market with a wholesale offering that will service local area restaurants with fresh food sourced from regional farmers. It also has a retail component which will provide fresh produce and other goods for an underserved community within downtown Buffalo. The building is approximately 21,000 sq. ft. and will additionally offer catering, prepared foods and seasonal items. It is part of a larger development at the project site which will include 201 affordable housing units for residents at 50%, 60% & 80% of the Area Median Income (“AMI”).

6. ADJOURNMENT:

As there were no further comments, the Hearing Officer closed the public hearing at 10:15 a.m.
SIGN IN SHEET
PUBLIC HEARING

May 30, 2019 at 10:00 a.m.
at the Erie County Industrial Development Agency’s offices
located at 95 Perry Street, Suite 403, Buffalo, NY 14203
regarding:

201 Ellicott, LLC, Ellicott Green Acres, LLC dba Braymiller Market and/or
Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf

Project Location: 201 Ellicott Street, Buffalo, New York 14203

<table>
<thead>
<tr>
<th>Name</th>
<th>Company and/or Address</th>
<th>X box to speak/comment</th>
</tr>
</thead>
</table>
| Stuart Green      | Braymiller Market
                   | 6936 Gowanda State Road                              |                        |
|                   | Hamburg, New York 14075                              |                        |
| Denise Juron-Borgese | Ciminelli Real Estate Corp.                          | X                      |
|                   | 50 Fountain Plaza, Suite 500                         |                        |
|                   | Buffalo, New York 14202                              |                        |
| Ann Duggan        | Ciminelli Real Estate Corp.                          |                        |
|                   | 50 Fountain Plaza, Suite 500                         |                        |
|                   | Buffalo, New York 14202                              |                        |
| Jim Gottstine     | Ciminelli Real Estate Corp.                          |                        |
|                   | 50 Fountain Plaza, Suite 500                         |                        |
|                   | Buffalo, New York 14202                              |                        |
| Karen Fiala       | ECIDA                                                |                        |
|                   | 95 Perry Street, Suite 403                           |                        |
|                   | Buffalo, New York 14203                              |                        |
201 Ellicott Street - Fresh Food Market

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Project Name 201 Ellicott Street - Fresh Food Market
Applicant Name 201 Ellicott, LLC / Ellicott Green Acres, LLC dba Braymiller Market
Applicant Address 50 Fountain Plaza / 6936 Gowanda State Road
Applicant Address 2 Suite 500 / --
Applicant City Buffalo / Hamburg
Applicant State New York
Applicant Zip 14202 / 14075
Phone (716) 631-8000 / (716) 649-2356
Fax (716) 631-8034 / (716) 649-4136
E-mail pcminelli@ceminelli.com / stuart@braymillermarket.com
Federal ID# 37-1878399 / To be determined
NAICS Code For Braymiller Market: 531120, 445230, 424480
Will a Real Estate Holding Company be utilized to own the Project property/facility Yes
What is the name of the Real Estate Holding Company 201 Ellicott, LLC / 201 Green Acres, LLC
Federal ID# 37-1878399 / To be determined
State and Year of Incorporation/Organization NY 2018 / NY 2019
List of stockholders, members, or partners of Real Estate Holding Company Ciminelli Real Estate Ventures (sole member: Paul F. Ciminelli) / Stuart Green

Individual Completing Application

Name Denise M. Juron-Borgese
Title Vice President of Development and Planning
Address 50 Fountain Plaza
Address 2 Suite 500 - Ciminelli Real Estate Corporation
City Buffalo
<table>
<thead>
<tr>
<th>State</th>
<th>New York</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zip</td>
<td>14202</td>
</tr>
<tr>
<td>Phone</td>
<td>716-631-8000</td>
</tr>
<tr>
<td>Fax</td>
<td>716-631-8034</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:djuron-borgese@ciminelli.com">djuron-borgese@ciminelli.com</a></td>
</tr>
</tbody>
</table>
Company Contact (if different from individual completing application)

Name
Title
Address
Address 2
City
State
Zip
Phone
Fax
E-Mail

Company Counsel

Name of Attorney       Blaine S. Schwartz / Roger F. Cominsky
Firm Name             Lippes Mathias Wexler Friedman LLP / Barclay Damon
Address               665 Main Street / 200 Delaware Avenue
Address 2             Suite 300 / The Avant Building
City                  Buffalo
State                 New York
Zip                   14203 / 14202
Phone                 (716) 853-5100 / (716) 566-1413
Fax                   (716) 853-5199 / (716) 566-4000
E-Mail                bschwartz@lippes.com / rcominsky@barclaydamon.com

Identify the assistance being requested of the Agency

Exemption from Sales Tax          Yes
Exemption from Mortgage Tax       Yes
Exemption from Real Property Tax  Yes
Tax Exempt Financing*             No
* (typically for not-for-profits & small qualified manufacturers)

Business Organization

Type of Business               Limited Liability Company
Type of Ownership              2019
Year Established               New York
State of Organization          New York
List all stockholders, members, or partners with % of ownership greater than 20%

Please include name and % of ownership.

Paul F. Ciminelli, 100% ownership / Stuart Green, 100% ownership
Applicant Business Description

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility.

201 Ellicott, LLC is an entity that was created to purchase the parcel of 201 Ellicott Street. The sole member of 201 Ellicott, LLC is Ciminelli Real Estate Ventures. Both are managed by Ciminelli Real Estate Corporation. Paul F. Ciminelli, President & CEO of Ciminelli Real Estate Corporation, has 100% ownership of Ciminelli Real Estate Ventures. 201 Ellicott, LLC will also develop a mixed-use project at 201 Ellicott Street, which includes 201 units of affordable rental housing and a stand-alone Fresh Food Market. In the course of construction, the parcel will be subdivided between the residential building and the market building. Upon completion of the stand-alone Fresh Food Market, 201 Ellicott, LLC will sell it to 201 Green Acres, LLC. This wholesale and retail Fresh Food Market will be focused on the sale and distribution of affordable fresh foods to restaurants, residents, commuters, visitors, and businesses in the city of Buffalo. The retail component will be 9,280 sf, while the wholesale side will be 9,580 sf. Both will be supported by 2,780 sf of back office spaces. Inventory priority is given to foods that are grown, produced, and distributed locally. When local produce is out of season, we will continue to provide products grown elsewhere for continuous availability. The owner, Stuart Green, is also the majority owner and managing member of G&G’s Homegrown, LLC dba Braymiller Market in Hamburg, NY. Braymiller Market, which has evolved since its inception in 1941, is the model for this market. The key to the success of Braymiller is the efficiency in doing business and the lack of waste (shrink). This is accomplished by coordination of multiple sales outlets. As fresh product comes in it is designated to its first position, typically wholesale for bulk products. However, since most of the restaurant clients are not national chains or institutions, and therefore purchase smaller quantities of items daily, some products will go straight to the retail section of the market. As restaurants order, these products are pulled from the retail shelves and delivered, and new products are refilled on the retail shelves. Any items that get damaged in the process are delivered to the deli area where the damaged parts are removed, and the balance of the products is used to make soups, salads, and other retail deli items. The damaged items supplement the use of extra fancy product as well. Organizations that only have one outlet are forced to discard these items as waste lowering their profitability or raising their prices. Braymiller Market accepts SNAP and will be looking into WIC. Most of Braymiller Market’s products are related to meals and are therefore perishable. The market has some products to supplement the meal experience, but stock limited quantities of convenience items. Areas of focus are fresh produce, deli meats and cheeses, dairy, breads, pasta, frozen French fries, meats, fish, ice cream, fry oil, #10 cans of vegetables, dressings, fruits, and sauces, spices, and dry goods (flour, sugar, rice, grains, seeds). There are a few groups of employees; administrative for human resources, accounting, and procurement. Managers supervise the wholesale operation, retail operation, and deli. The balance of the staff includes warehouse, retail floor, and deli employees, as well as drivers. At seasonal times, employees will be added or redirected to outdoor plants and to the retail ice cream shop. It is anticipated that 60-65 full and part time employees will be needed to service customers at the 201 Ellicott Street location. The area of service is within Erie County. From time to time, Braymiller Market may get requests outside of Erie County, but have seen very few so far.

Estimated % of sales within Erie County: 98%
Estimated % of sales outside Erie County but within New York State: 2%
Estimated % of sales outside New York State but within the U.S.: 0%
Estimated % of sales outside the U.S.: 0%

(*Percentage to equal 100%)

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?
Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases.

Percentage of annual purchases of supplies and vendor services from firms in Erie County - currently 73%. Therefore, projected over $7,299,015 as cost of goods and expenses for this project, that would be $5,328,281 to be spent for supplies or services in Erie County.
Section II: Eligibility Questionnaire - Project Description & Details

**Project Location**

**Municipality or Municipalities of current operations**

Hamburg, New York

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

No

**In which Municipality will the proposed project be located**

Buffalo, New York

**Address**

201 Ellicott Street (following closing on the property purchase from the city, the parcel will be subdivided and the likely address of the market will be 203 Ellicott Street.)

**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 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 Retail Section of this application)

**SBL Number for Property upon which proposed Project will be located**

111.13-13-1 (refers to the entire 201 Ellicott Street parcel)

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

The parcel is owned by the City of Buffalo.

**Assessed value of land**

$2,300,000 (pertains to the entire 201 Ellicott Street parcel)

**Assessed value of building(s)**

Not applicable.

**Are Real Property Taxes current?**

Yes

**If no please explain**

Not applicable.

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

Buffalo, New York

**School District of Project Site**

Buffalo Public Schools

**Does the Applicant or any related entity currently hold fee title to the Project site?**

No

**If No, indicate name of present owner of the Project Site**

City of Buffalo

**Does Applicant or related entity have an option/contract to purchase the Project site?**

No
Describe the present use of the Proposed Project site

The present use of the proposed project site is a commercial surface parking lot.

Please provide narrative of the proposed project and the purpose of the proposed project (new build, renovations, 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)

In 2015, the City of Buffalo issued a Request for Qualifications for the redevelopment of a city-owned ±2.5 acre surface commercial parking lot at 201 Ellicott Street into a mixed-use project in the Central Business District. Ciminelli Real Estate Corporation was designated as the developer in 2016. The proposed 201 Ellicott project is planned as an innovative, vibrant mixed-use development that will invigorate downtown Buffalo with a Fresh Food Market and affordable residential rental units. Informed by feedback from engagement with community stakeholders, the guiding concepts for the development of 201 Ellicott are affordability, health & wellness, mobility, and vibrancy. The economically diverse neighborhoods surrounding 201 Ellicott Street are currently critically underserved, and therefore distressed, with respect to accessibility to fresh, healthy foods. The adjacent census tracts include at least a third of residents that live farther than 1/2 to 1 mile to the nearest supermarket. This significant community need is a priority which the city has targeted to be met as a key component of the site redevelopment. A ±21,000 sf Fresh Food Market will anchor the corner of Ellicott and Clinton Streets, offering a wide range of much-needed products, such as locally-sourced produce, fresh prepared foods in a café setting, catering and seasonal items like pumpkins and annuals, as well as a wholesale business serving local restaurants. The market will be served by 29 on-site parking spaces, which can also be used as a flexible hardscape to host a variety of occasional programming, such as farmers markets. Additionally, the market is conveniently accessible by walking, biking and transit. Upon stability, it is estimated that 60% of sales will be from wholesale, while 40% of sales will be from retail. It is also expected that the Fresh Food Market will have 35 staff on site at a given time, hiring a total of 65 to 70 employees overall, with a best-efforts preference to qualified persons residing within the city limits.

201 Ellicott will also welcome a diverse group of residents to the urban core by responding to the need for affordable rental housing in the City of Buffalo with 201 affordable one- and two-bedroom apartments in a ±200,000 sf building, with frontages on Ellicott and Oak Streets. Amenities will include a multi-purpose community room, fitness area, common laundry, mail room, bicycle storage and outdoor spaces. The developer will provide property management services to the residential building, anticipating hiring qualified city residents for 3 on-site maintenance positions. There will be 131 one-bedroom units at 623 SF each and 70 two-bedroom units at 850 SF each, plus a superintendent’s unit. 73% of the units (147) are affordable to households earning 50% of the Area Median Income (“AMI”) and 60% AMI. The remaining 27% of units (54) are affordable to households earning 80% of AMI. A recent market study cites a capture rate of 3.94% (a capture rate below 10% indicates strong support) and estimates timely lease-up of the 201 units. 201 Ellicott will promote environmental health through sustainability best practices.

The project has been accepted into the Brownfield Cleanup Program to remove urban fill on the site and has been accepted to participate in NYSERDA’s Multifamily New Construction Program and Energy Star for Multi Family High Rise. As Buffalo’s first Mobility Hub in a private development, 201 Ellicott will maximize connectivity by encouraging walkability, bicycling, use of nearby public transit, and shared vehicles. The site is a 4 minute walk to both the Lafayette Square Station and Church Street Station for the Light Rail Rapid Transit Line which travels along Main Street. A Metro Bus stop that is currently on the site on Ellicott Street will be retained in the new project and the bus shelter will be incorporated into the design. The development is within a few blocks of 8 bus stops and adjacent to the Niagara Frontier Transportation Authority (NFTA) Bus Terminal, a hub supporting local, regional, and national bus transportation by carriers such as Coach USA, Greyhound and Megabus. The project will include options for both car-sharing and ride-sharing. Zipcar, a leading on-demand car-sharing network, will be located at the site as a community amenity based on market demands. For added convenience, a pick-up and drop-off for ride sharing services is also planned to be accommodated in the site design. Additionally, the site is within a 5 to 10 minute walk of several commercial parking lots and garages, with a total capacity of more than 11,600 parking spaces. During construction, 201 Ellicott Housing Development Fund Corporation (“HDFC”) will be formed to be the nominal title holder of both the residential and commercial components of the project. The HDFC will convey the beneficial ownership to both the residential and commercial portions of the project to 201 Ellicott, LLC (“Residential Owner”) pursuant to a declaration of interest and nominee agreement. Upon review and approval, the ECIDA will enter into a lease-leaseback arrangement with respect to the commercial portion of the project to provide sales tax, PILOT and mortgage recording tax for permanent financing. The HDFC will provide the mortgage recording tax exemption, sales tax exemption and PILOT needed for the residential component of the project. The Residential Owner will be the party that enters into the Brownfield Cleanup Agreement, enters into construction contracts for the construction of both components of the project and borrowers all the financing needed to complete both components. At such time as the Residential Owner has received a certificate of occupancy with respect to the commercial component, it will convey the commercial component at cost to Fresh Food Market Owner entity (“Grocery Owner”). Following sale of the commercial component, it will be operated as a separate project from the residential component. NYS CIf funds will be borrowed by the Grocery Owner to pay a portion of the purchase price with the balance to be paid by equity from Grocery Owner members. PROJECT TEAM Ciminelli Real Estate Corporation Cannon Design Arc Building Partners C&S Companies Go Buffalo Niagara, a program of GO Bike M/E Engineering Watts Architecture & Engineering Wendel Companies Jackson Parker Communications The Martin Group Cannon Heyman & Weiss, LLP Lippes Mathias Wexler Friedman, LLP Smith & Henzy Advisory Group, Inc. The Slater Law Firm

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the

https://www.ecidany.com/app/tax-incentive-application-2014/print/832

7/23
space provided below indicating why the Project should be undertaken by the Agency:

Not applicable.

Describe the reasons why the Agency's Financial Assistance is necessary and how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

The primary need for assistance with this project is to reduce the expenses to keep the costs of products down and competitive. Equipment is a significant expense for processing, refrigerating, and delivering fresh food, but the building is the largest expense. The efficiencies of a new building regarding energy savings, layout/design, repairs and maintenance will be significant. This translates to reduced overhead expenses ultimately making the business more competitive and attracting more customers. The attraction to this project, and location, is due to the need in the area to provide fresh food. While the majority of the business is wholesale to restaurants, the products that are purchased in bulk for them can also be repackaged and retailed to people in the neighborhood. There is no other competition in the area and there has been a direct need identified. There are further expectations that this project will encourage more residential development and employment downtown. The jobs created (60 to 65 full and part time) by this project will be from entry level to managerial with pay ranges from $11.10 to $32.00 per hour. This employee profile fits perfectly with the adjoining proposed apartment building and others seeking employment in the area.

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

Yes

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

If financial assistance is not obtained for the project, the market will not be realized at the site.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Not applicable.

Site Characteristics

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

Yes

Describe the present zoning/land use

The site is zoned N1-C (Mixed-Use Core) per the City of Buffalo Green Code: Unified Development Ordinance.

Describe required zoning/land use, if different

Not applicable.

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

A change in zoning/land use is not required. Zoning variances will be needed to accommodate the market's specific needs.

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

If yes, please explain

The site has urban fill. It has been accepted into the Brownfield Cleanup Program. Remediation is included in the project scope.

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

Yes

If yes, please provide a copy.

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

Yes

If yes, please provide copies of the study.
If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?
The design of the project and the specified equipment shall be energy efficient.

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, please explain.

Not applicable.

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

Not applicable.

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all end uses as identified below.

Retail Sales Yes Services No

For purposes of this question, 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.

No Manufacturing No Multi-Tenant No Mixed Use
No Acquisition of Existing Facility Yes Commercial No Facility for the Aging
No Housing Yes Back Office No Civic Facility (not for profit)
No Equipment Purchase Yes Retail No Other
Project Information

Estimated costs in connection with project

Land and/or Building Acquisition

$ 175,000

New Building Construction

$ 4,160,301

New Building addition(s)

$ 0

Infrastructure Work

$ 0

Renovation

$ 0

Manufacturing Equipment

$ 0

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

$ 1,800,000

Soft Costs: (professional services, etc.)

$ 766,599

Other Cost

$ 0

Explain Other Costs

Total Cost

$ 6,901,800

Project Refinancing; estimated amount (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):

$ 300,000

Bank Financing:

$ 4,600,000

Tax Exempt Bond Issuance (if applicable):

$ 0

Taxable Bond Issuance (if applicable):

$ 0

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

$ 0
Identify each state and federal grant/credit:
Community Investment Fund (up to $2,000,000 possible) USDA Grant ($250,000 applied for)

Total Sources of Funds for Project Costs:
$4,900,000

Has a financing preapproval letter or loan commitment letter been obtained?
No

Mortgage Recording Tax Exemption Benefit:
Estimated Mortgage Amount (Sum total of all financing – construction and bridge).
*Amount of mortgage, if any, that would be subject to mortgage recording tax.
$4,600,000

Lender Name, if Known
Evans Bank

Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):
$34,500

Construction Cost Breakdown:
Total Cost of Construction
$4,160,301 (sum of 2,3,4,5, and/or 7 in Question K, above)

Cost for materials
$5,960,301

% sourced in Erie County
To be determined; 40% estimated%

% sourced in State
To be determined; 60% estimated% (including Erie County)

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
$1,185,685 Wholesale / 894,465 Retail / 180,000 M&E

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):
$103,747 Wholesale / 78,266 Retail / $157,500 M&E

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:

For proposed facility, please include # of sq ft for each of the uses outlined below

<table>
<thead>
<tr>
<th>Manufacturing/Processing</th>
<th>Cost</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Not applicable</td>
<td>$0</td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>Not applicable</td>
<td>$0</td>
</tr>
<tr>
<td>Commercial</td>
<td>9,580 square feet</td>
<td>$1,841,760</td>
</tr>
<tr>
<td>Retail</td>
<td>9,280 square feet</td>
<td>$1,784,085</td>
</tr>
<tr>
<td>Office</td>
<td>2,780 square feet</td>
<td>$534,456</td>
</tr>
<tr>
<td>Specify Other</td>
<td>Not applicable</td>
<td>$0</td>
</tr>
</tbody>
</table>

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11/23
If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

No

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

<BLANK>

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

Will project result in significant utility infrastructure cost or uses

Yes

What is your project timetable (Provide dates)

Start date: acquisition of equipment or construction of facilities

7/1/2019

End date: Estimated completion date of project

7/31/2021

Project occupancy: estimated starting date of operations

4/1/2021

Have construction contracts been signed?

No

Have site plans been submitted to the appropriate planning department for approval?

Yes

Has the Project received site plan approval from the appropriate planning department?

No

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

**Employment Plan (Specific to the proposed project location):**

<table>
<thead>
<tr>
<th>Current # of jobs at proposed project location or to be relocated at project location</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED — project the number of FTE and PT jobs to be RETAINED</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED — project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full time</td>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td>Part time</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>65</td>
</tr>
</tbody>
</table>

**The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.**

***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.***

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following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

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

<table>
<thead>
<tr>
<th>Category of Jobs to be Retained and Created</th>
<th># of Employees Retained and Created</th>
<th>Average Salary for Full Time</th>
<th>Average Fringe Benefits for Full Time</th>
<th>Average Salary for Part Time (if applicable)</th>
<th>Average Fringe Benefits for Part Time (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td>12</td>
<td>$37,990</td>
<td>$2,279</td>
<td>$18,000</td>
<td>$0</td>
</tr>
<tr>
<td>Professional</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Administrative</td>
<td>2</td>
<td>$45,760</td>
<td>$2,746</td>
<td>$22,000</td>
<td>$0</td>
</tr>
<tr>
<td>Production</td>
<td>45</td>
<td>$27,040</td>
<td>$1,622</td>
<td>$13,000</td>
<td>$0</td>
</tr>
<tr>
<td>Independent Contractor</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>$27,040</td>
<td>$1,622</td>
<td>$13,000</td>
<td>$0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Address</th>
<th>6936 Gowanda State Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full time</td>
<td>17</td>
</tr>
<tr>
<td>Part time</td>
<td>30</td>
</tr>
<tr>
<td>Total</td>
<td>47</td>
</tr>
</tbody>
</table>
Will any of the facilities described above be closed or subject to reduced activity?
No

Payroll Information

Annual Payroll at Proposed Project Site
$1,622,000

Estimated average annual salary of jobs to be retained (Full Time)
$0

Estimated average annual salary of jobs to be retained (Part Time)
$0

Estimated average annual salary of jobs to be created (Full Time)
$29,637

Estimated average annual salary of jobs to be created (Part Time)
$15,000

Estimated salary range of jobs to be created

<table>
<thead>
<tr>
<th>From (Full Time)</th>
<th>To (Full Time)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$27,040</td>
<td>$45,760</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>From (Part Time)</th>
<th>To (Part Time)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$15,000</td>
<td>$15,000</td>
</tr>
</tbody>
</table>

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
Not applicable.

What competitive factors led you to inquire about sites outside of New York State?
Not applicable.

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
Not applicable.

Do you anticipate applying for any other assistance for this project?
Yes

If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)
Community Investment Fund, USDA Grant
Section III: 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: Ellicott Green Acres, LLC dba Braymiller Market
Address: 6936 Gowanda State Road
Contact Person: Stuart Green
Phone: 716-649-2356
Fax: 716-649-4136
E-Mail: stuart@braymillermarket.com
Federal ID #: To be determined
SIC/NAICS Code: 531120, 445230, 424480

Multi-Tenant Facility

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

Have any tenant leases been entered into for this project?
<BLANK>

If yes, please fill out a tenant form in section VII, for each tenant.

<table>
<thead>
<tr>
<th>Tenant Name</th>
<th>Current Address (city, state, zip)</th>
<th># of sq ft and % of total to be occupied at new project site</th>
<th>SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.</th>
</tr>
</thead>
</table>

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Section IV: Tenant Information
Section V: Environmental Questionnaire

General Background Information

**Address of Premises**  
201 Ellicott Street, Buffalo, New York, 14203 (following closing on the property purchase from the city, the parcel will be subdivided and the likely address of the market will be 203 Ellicott Street)

**Name and Address of Owner of Premises**  
City of Buffalo, 65 Niagara Square, Buffalo, NY 14202

**Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)**  
The site is currently a surface parking lot.

**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 site is currently a surface parking lot. The intended uses of the site as part of the redevelopment are a fresh food market with adjacent customer parking. The balance of the site will be developed with a residential building with 201 rentable affordable one and two-bedroom apartments.

**Describe all known former uses of the Premises**  
For a description of all known former uses of the premises, please refer to the Historical Use Assessment (Section 6.0) in the attached Phase 1 Report.

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

**If yes, please identify them and describe their use of the property**  
Currently, people who park at the site use the premises.

**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**  
Not applicable.

**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**  
Not applicable.

**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**  
Not applicable.

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**  
Not applicable.

**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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

The Buffalo Sewer Authority (BSA) owns and operates a combined sewer system that collects stormwater drainage for the project area. The site development of the project will include measures that will result in a significant improvement in drainage as well as reduction of flows to the BSA's combined sewer system. Pervious asphalt pavement is planned to be installed in the parking area to promote stormwater infiltration into the sub soils. Underground stormwater detention piping is planned to be installed beneath the entrance drive/parking area of the market to further regulate discharge flow rates from the site. The detention system will collect portions of roof and site drainage. Pollinator gardens are planned adjacent to the market and will serve as an additional drainage improvement by allowing stormwater to infiltrate into the sub soils. A Storm Water Pollution Prevention plan will be prepared to summarize and describe hydraulic and hydrological calculations for the project site. BSA policy for stormwater connections to the combined sewer system requires the post-developed 25 year storm event peak flow discharge rate be reduced to below the pre-developed 2 year storm event peak flow discharge rate. The planned underground pipe connection to the BSA system is planned at the existing 12 inch diameter sewer located on the westerly side of Oak Street. In addition to the planned site discharges of stormwater described above, the market project will have waste water discharges drained via gravity through underground sewer piping to the existing combined sewer on Clinton Street per Buffalo Sewer Authority (BSA) Standards, Specifications and Policies. No other water discharges are planned for the market. The project team has met with BSA to review sewer capacity and requirements for approval of connection. BSA agreed that the existing system has sufficient capacity for the development and will serve the project well. There are no known capacity issues in this area. A downstream sewer capacity analysis will be performed, including flow monitoring, prior to final approval for connection to BSA system. Erie County Department of Health approval will also be attained for the planned sewer connection. Permits have not yet been applied for.

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

Not applicable.

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

Not applicable.

Are any of the air emission sources permitted?

<BLANK>

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
  Not applicable.

Have there been any leaks, spills, releases or other discharges (Including loss of Inventory) associated with any of these tanks?
  <BLANK>

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
  Not applicable.

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
  Not applicable.

Do the Premises have any asbestos containing materials?
  No

If yes, please identify the materials
  The only structure on site is a small concrete block guardhouse and based on the findings of the Phase I report, it appears that due to the age of the building, asbestos is a slight possibility. Any ACM's encountered during the brownfield remediation will be disposed of with the urban fill.
Section VI: 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.

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:

Not applicable.

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?

Within New York State No

Within Erie County No

If Yes to either question, please explain Not applicable.

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.)

Not applicable.

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.)

Location well-positioned to access wholesale customers and to serve retail customers in need fresh foods.

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

No

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

Not applicable.

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

Not applicable.

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.

Not applicable.
Section VII: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program?
No

What is the age of the structure (in years)?
0

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.
0

If underutilized, number of years underutilized.
0

Describe the use of the building during the time it has been underutilized:
Not applicable; not an Adaptive Reuse project.

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)
<BLANK>

If yes, please provide dollar amount of income being generated, if any
$ Not applicable; not an Adaptive Reuse project.

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

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Sq. Ft. Range Low to High</th>
<th>Rent Range Low to High</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>$</td>
</tr>
</tbody>
</table>

Does the site have historical significance?
No

Are you applying for either State/Federal Historical Tax Credit Programs?
No

If yes, provide estimated value of tax credits
$ Not applicable; not an Adaptive Reuse project.

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 ISA and other tax credits included indicating below average return on investment rates compared to regional industry averages)
Not applicable; not an Adaptive Reuse project.

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
Not applicable; not an Adaptive Reuse project.

Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments
Not applicable; not an Adaptive Reuse project.
Section VIII: Senior Citizen Rental Housing Projects

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

No

Has the project received written support from the city, town or village government in which it is located?

<BLANK>

Describe the location of the project as it relates to the project’s proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?

<BLANK>

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details.

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?

<BLANK>

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?

<BLANK>

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?

<BLANK>

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?

<BLANK>

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project’s return on investment?

<BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA 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)

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?

<BLANK>

If yes, please describe provide a narrative citing key facts that substantiate this finding.
Section IX: Retail Determination

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?  
If yes, complete the Retail Questionnaire Supplement below.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?  
43%  
If the answer to this is less than 33% do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

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

Will the project be operated by a not-for-profit corporation?  
No

Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?  
If yes, please provide a third party market analysis or other documentation supporting your response.

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

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

If yes, explain

The project will increase the overall number of permanent private sector jobs in the State of New York by hiring 25 full time and 40 part time employees.

Is the project located in a Highly Distressed Area?  
Yes
**Michigan Seneca Group, Inc.**
**$6,662,000**
**INDUCEMENT RESOLUTION**

<table>
<thead>
<tr>
<th><strong>ELIGIBILITY</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• NAICS Section - 531110</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>COMPANY INCENTIVES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Approximately $219,450 in sales tax savings</td>
</tr>
<tr>
<td>• Up to 3/4 of 1% of the final mortgage amount estimated at $35,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>EMPLOYMENT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Retained &amp; Created Jobs - 35 FT 1 PT</td>
</tr>
<tr>
<td>• Annual payroll: $56,270</td>
</tr>
<tr>
<td>• Estimated salary of jobs to be retained: $37,440 (full-time)</td>
</tr>
<tr>
<td>• Estimated salary of jobs to be created: $18,720 (part-time)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>PROJECT HISTORY</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• 05/29/2019 - Public hearing held. Transcript attached.</td>
</tr>
<tr>
<td>• 6/26/2019 - Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA.</td>
</tr>
<tr>
<td>• 6/26/2019 - Lease/Leaseback Inducement Resolution presented to the Board of Directors.</td>
</tr>
</tbody>
</table>

**Project Title:** Michigan Seneca Group, Inc.

**Project Address:**
- 270 Michigan Avenue
- Buffalo, New York 14203
- (Buffalo City School District)

**Agency Request**
A sales tax and mortgage recording tax exemption in connection with the adaptive reuse of the former Buffalo Envelope Building.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Addition</td>
<td>$950,000</td>
</tr>
<tr>
<td>Renovation</td>
<td>$5,016,000</td>
</tr>
<tr>
<td>Soft Costs</td>
<td>$696,000</td>
</tr>
<tr>
<td>Total Project Cost</td>
<td>$6,662,000</td>
</tr>
<tr>
<td>85%</td>
<td>$5,662,700</td>
</tr>
</tbody>
</table>

**Company Description**
Michigan-Seneca Group, Inc. was formed in 1990 and is currently owned by Nancy Krieg and Carl Paladin Revocable Trust.

**Project Description**
The proposed project consists of the adaptive reuse of the existing facility which has been underutilized for many years. The complex covers 6 different buildings constructed in 1890 and once housed the Buffalo Envelope Company. The entire complex is approximately 114,000 sq. ft.

The Department of Environmental Conservation currently occupies approximately 28,000 sq. ft. of one of the buildings with another tenant utilizing approximately 5,000 sq. ft. as basement storage.

The project involves a full-scale renovation of 80,000 sq. ft. (non DEC space) which is currently vacant, portions of which are eligible for NYS and federal historic tax credits, which the developer is pursuing. While the overall scope of the work is extensive, some of the key rehab costs will include asbestos abatement, masonry repair, exterior cleaning, the replacement of existing non-original windows with historically accurate units, updated code compliance measures including a new elevator and a new egress stair in the 6-story portion. Updated fire suppression systems and new utility services will bring the complex into current code compliance.

Final uses will include office / back office and warehouse space along with the addition of 6 market-rate apartments.

Three 1,270 sq. ft. 1-BR apartments are planned to rent for approximately $1,250 per month and three 1,800 sq. ft. 3-BR apartments are planned to rent for approximately $2,400 per month.
In addition, the developers are proposing the construction of a single-level parking deck at the west end of the property that will provide the ability to park 100 additional vehicles off-street, boosting marketability of the property to prospective commercial tenancies. IDA benefits will not extend to the parking ramp portion of the project.

At this time, it is uncertain as to the type of tenants that will be located in the building. The developer has however committed to 1 job per 1,000 sq. ft. or 35 employees at the project location.

### Retail Determination

<table>
<thead>
<tr>
<th>Project Use</th>
<th>Sq. Ft.</th>
<th>Cost</th>
<th>1% of Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial/Retail</td>
<td>35,450</td>
<td>$4,150,000</td>
<td>62%</td>
</tr>
<tr>
<td>Retail/Ramp</td>
<td>33,000</td>
<td>$950,000</td>
<td>14%</td>
</tr>
<tr>
<td>Residential</td>
<td>11,550</td>
<td>$1,562,000</td>
<td>24%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>80,000</td>
<td>$6,662,000</td>
<td>100%</td>
</tr>
</tbody>
</table>

On June 26, 2019 the Board determined that the project was a retail project as it was located in a highly distressed area and in compliance with Section 862 of the NY General Municipal Law, the chief executive officer of Erie County will provide written confirmation confirming the financial assistance.

### Draft Recapture Material Terms

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount. Total project amount = $6,662,000 85% = $5,662,700</td>
</tr>
<tr>
<td>Employment</td>
<td>Same as recapture period</td>
<td>Maintain Base: 1 Create 85% of Retained &amp; Created = 35 FT &amp; 1 PT 85% = 30 Recapture Employment = 30 FTE</td>
</tr>
<tr>
<td>Local Labor</td>
<td>Construction period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Pay Equity</td>
<td>Same as recapture period</td>
<td>Adherence to Policy</td>
</tr>
<tr>
<td>Unpaid Tax</td>
<td>Same as recapture period</td>
<td>Adherence to Policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>2 years after project completion</td>
<td>Recapture of Mortgage recording tax, state and local sales taxes</td>
</tr>
</tbody>
</table>

Recapture applies to:
State and Local Sales Taxes
Mortgage Recording Tax

### Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has created 30 FTE jobs, iii) confirm adherence to ECIDA local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.
<p>| Age of Structure (must be at least 20 years old and present functional challenges to redevelopment) | The buildings were constructed in the early 1900's |
| Structure has been vacant or underutilized for a minimum of 3 years (defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended). Project promotes the elimination of slum and blight. | The buildings have been vacant for approximately 25 years. Also, the investment of over $6,000,000 into this distressed area along with other redevelopment projects taking place in the vicinity will help to enhance the area and eliminate slum and blight. |
| Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class) | The buildings which represent this redevelopment are vacant and not generating income. |
| Project is in compliance with the investment and growth criteria of the Framework for Regional Growth. The redevelopment supports or aligns with Regional or Local Development Plans | The project complies with the investment and growth criteria of the Framework for Regional Growth. |
| Demonstrated evidence of financial obstacle to development without ECIDA or other public assistance (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rate as compared to regional industry averages) | Current rental rates do not support the heightened costs of the proposed commercial adaptive reuse of this site. Interior structural repairs are needed and includes replacement windows, installation of new vertical circulation including an elevator and stair tower and fire suppression system among other items to bring the facility into compliance with current building codes. As with all historic renovation projects, companies must adhere to strict standards imposed by SHPO which adds considerably to the cost of redevelopment. The developer has supplied an ROI which indicates a below average rate of return on the investment. |
| Demonstrated support of local government entities | The City of Buffalo Planning Board has approved the project. Mayor Brown is expected to provide a letter of support for the project. |</p>
<table>
<thead>
<tr>
<th>LEED/Renewable Resources</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building or site has historic designation</td>
<td>The building has not yet been listed but will be listed once renovation is complete.</td>
</tr>
<tr>
<td>Site or structure has delinquent property or other local taxes</td>
<td>Taxes are current.</td>
</tr>
<tr>
<td>MBE/WBE Utilization</td>
<td>Projects are publicly advertised and bid using the Construction Exchange web-based system and the company always includes language in their request that encourages minority participation.</td>
</tr>
<tr>
<td>Transit Oriented Development</td>
<td>The facility is within walking distance of Metro Rail.</td>
</tr>
</tbody>
</table>

**OTHER FACTORS TO CONSIDER:**

| Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs | There is a small level of asbestos in the buildings which will be mitigated. All new safety systems, including mechanical, electrical and plumbing will be to current code standards. |
| Site or structure is located in a distressed census tract | Property is located in Census Tract 165 which considered highly distressed under the State statute. |
| Structure presents significant costs associated w/ building code compliance. | All new HVAC and fire safety systems must be installed to meet current building code requirements for the end use. |

Dated: June 26, 2019
Return on Investment – Michigan Seneca Group, Inc.

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

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

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

Adaptive Reuse Projects

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

Public Incentives Requested

- ECIDA Sales Tax Abatement approximate value $219,450
- ECIDA Mortgage Recording Tax Abatement approximate value $35,000

ROI

Michigan Seneca Group, Inc. has submitted a proforma documenting the expenses and revenues and ROI for the project.

Stated ROI for the project with ECIDA assistance is 2.3%

Stated ROI for the project without ECIDA assistance is 1.9%
PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits*** and Percentage of Project Costs financed from Public Sector sources

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

PILOT Estimate Table Worksheet-Michigan Seneca Group - 2019

<table>
<thead>
<tr>
<th>Dollar Value of New Construction and Renovation Costs</th>
<th>Estimated New Assessed Value of Property Subject to IDA*</th>
<th>County Tax Rate/1000</th>
<th>Local Tax Rate (Town/City/Village)/1000</th>
<th>School Tax Rate/1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,966,000</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Apply equalization rate to value

N/A

<table>
<thead>
<tr>
<th>PILOT Year</th>
<th>% Payment</th>
<th>County PILOT Amount</th>
<th>Local PILOT Amount</th>
<th>School PILOT Amount</th>
<th>Total PILOT</th>
<th>Full Tax Payment w/o PILOT</th>
<th>Net Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>Estimated Value of PILOT</th>
<th>Estimated Value of Sales Tax Incentive</th>
<th>Estimated Value of Mortgage Tax Incentive</th>
<th>Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$6,662,000</td>
<td>N/A</td>
<td>$219,450</td>
<td>$35,000</td>
<td>$1,150,000</td>
</tr>
</tbody>
</table>

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 21% %

Table 1: Basic Information

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Michigan Seneca Group, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Industry</td>
<td>(531) Real Estate</td>
</tr>
<tr>
<td>Municipality</td>
<td>Buffalo City</td>
</tr>
<tr>
<td>School District</td>
<td>Buffalo</td>
</tr>
<tr>
<td>Project Cost</td>
<td>$6,707,000</td>
</tr>
<tr>
<td>Construction Budget</td>
<td>$6,011,000</td>
</tr>
<tr>
<td>Direct Employment Expected</td>
<td>2 (1 created and 1 retained)</td>
</tr>
<tr>
<td>Direct Labor Income</td>
<td>$37,440</td>
</tr>
<tr>
<td>Direct Construction Jobs</td>
<td>44</td>
</tr>
<tr>
<td>Direct Construction Labor Income</td>
<td>$2,310,176</td>
</tr>
<tr>
<td>Total Labor Income</td>
<td>$2,347,616</td>
</tr>
</tbody>
</table>

Table 2: Estimated State & Regional Benefits*

<table>
<thead>
<tr>
<th>Region</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Property Tax Revenue (PILOT or Improvements)</td>
<td>$881,793</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$66,422</td>
</tr>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Income Tax Revenue</td>
<td>$171,581</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$55,935</td>
</tr>
<tr>
<td><strong>TOTAL Estimated Revenue</strong></td>
<td><strong>$1,175,732</strong></td>
</tr>
</tbody>
</table>

Table 3: Estimated Project Incentives*

<table>
<thead>
<tr>
<th>Incentive</th>
<th>Estimated Incentive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax Savings</td>
<td>$0</td>
</tr>
<tr>
<td>Sales Tax Savings</td>
<td>$262,981</td>
</tr>
<tr>
<td>Mortgage Tax Savings</td>
<td>$35,000</td>
</tr>
<tr>
<td><strong>TOTAL Estimated Incentives</strong></td>
<td><strong>$297,981</strong></td>
</tr>
</tbody>
</table>
Table 4: Employment Breakdown

<table>
<thead>
<tr>
<th>Project</th>
<th>Direct**</th>
<th>Indirect***</th>
<th>Induced****</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 (1 created and 1 retained)</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Construction

<table>
<thead>
<tr>
<th></th>
<th>Direct</th>
<th>Indirect</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>44</td>
<td>16</td>
</tr>
</tbody>
</table>

Table 5: Ratios

<table>
<thead>
<tr>
<th>Ratio</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit to Cost Ratio</td>
<td>3.9:1</td>
</tr>
<tr>
<td>Overall ROI</td>
<td>20.7:1</td>
</tr>
</tbody>
</table>

* Figures over 10 years and discounted by 3.49%
** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.
*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.
**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

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PUBLIC HEARING SCRIPT

Michigan-Seneca Group, Inc. and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf Project

Public Hearing to be held on May 29, 2019 at 9:00 a.m., at the Erie County Industrial Development Agency’s offices located at 95 Perry Street, Suite 403, Buffalo, NY 14203

ATTENDANCE:

Tom Fox – Ellicott Development
Karen Fiala – ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing.

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Michigan-Seneca Group, Inc. and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Friday, May 17, 2019.

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

Hearing Officer: The proposed project (the "Project") consisting of: (i) a 2.38+- acre parcel of land located at 270 Michigan Avenue in the City of Buffalo, Erie County, New York, (the “Land”) improved with an existing multi-story building (the “Existing Improvements”), (ii) the renovation, upgrading and equipping of the Existing Improvements thereon into a mixed-use project consisting of commercial office and warehouse space on floors 1-3 (35,450+- SF) and 6 apartments on floors 4-6 (11,550+- SF), together with the construction of a one-story, 100 car parking deck (33,000+- SF) (the “Improvements”), and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible
personal property (the "Equipment", and collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

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

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

Hearing Officer: All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203 until the comment period closes on June 25, 2019. There are no limitations on written comments.

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

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

Tom Fox, Ellicott Development Company. I am here for 270 Michigan. The proposed project at 270 Michigan Avenue is a full-scale renovation of an existing underutilized complex. Historically home of the Buffalo Envelope Company, portions of 270 Michigan Avenue are eligible for NYS and Federal historic tax credits, which we are pursuing. Through that effort, we are working towards having the property listed on the National Register of Historic Places. Accordingly, we must follow the Secretary of Interior Standards for Historic Preservation. While the overall scope of work is extensive, some of the key rehabilitation costs will include asbestos abatement, masonry repair and cleaning of the building's exterior, replacement of existing non-original windows with historically accurate units, code compliance measures including a new elevator and the addition of a new egress stair in the 6-story portion of the complex, along with the addition of a fire suppression system and new utility services throughout. While portions of the current complex are occupied by existing tenancies, the complex has been underutilized for many years. The proposed project program includes the allocation of new commercial office and warehouse space across on the first three floors of the complex along with the addition of 6 market-rate apartments on floors four through six of the 6-story portion. In addition to the proposed renovation of the existing complex, we are proposing the construction of a single-level parking deck at the west end of the property that will provide the ability to park 100 additional vehicles off-street, boosting marketability of the property to prospective commercial tenancies.

Like other adaptive reuse projects that we have undertaken, the viability of this project is plagued in many ways requiring a need for every available resource to finance and yield a modest return. Redeveloping a long-term underutilized structure such as this results in many extraordinary and unknown costs that are not confronted in new ground-up development. These costs include, but are not
limited to, bringing the building into code compliance, abating environmental contamination, and extensive measures to modernize and make the property marketable to prospective tenants in today's market. While construction costs in our area are generally in line with and in some cases higher than in other major American cities, our rental market significantly lags behind in what developers can charge for rent. These low market rates result in an unwillingness by lenders to commit to the projected need for project financing resulting in a loan-to-value shortfall. The requested funding is further challenged when our lenders rely on further discounted rental rates than those we feel we can comfortably achieve in the project area. With the ECIDA’s assistance, we are able to tighten the gap in project financing and breathe new life into a long underutilized structure.

6. ADJOURNMENT:

As there were no further comments, the Hearing Officer closed the public hearing at 9:15 a.m.
SIGN IN SHEET
PUBLIC HEARING

May 29, 2019 at 9:00 a.m.
at the Erie County Industrial Development Agency’s offices
located at 95 Perry Street, Suite 403, Buffalo, NY 14203
regarding:

Michigan-Seneca Group, Inc. and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf

Project Location: 270 Michigan Avenue, Buffalo, New York 14204

<table>
<thead>
<tr>
<th>Name</th>
<th>Company and/or Address</th>
<th>X box to speak/comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tom Fox</td>
<td>Ellicott Development</td>
<td></td>
</tr>
<tr>
<td></td>
<td>295 Main Street, Ste 210</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buffalo, New York 14203</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Karen Fiala</td>
<td>ECIDA</td>
<td></td>
</tr>
<tr>
<td></td>
<td>95 Perry Street, Ste. 403</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buffalo, New York 14203</td>
<td></td>
</tr>
</tbody>
</table>
**Short Environmental Assessment Form**

*Part 1 - Project Information*

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

### Part 1 - Project and Sponsor Information

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>270 Michigan Ave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a location map):</td>
<td>270 Michigan Ave Buffalo, NY 14204</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
<td>Renovation of a 6-story building which contain 3 floors of office space and 3 floors of apartments (6 apartments in total). Additionally, a single story 93 space parking deck will be constructed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Telephone: 716-854-0060</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michigan-Seneca Group, Inc</td>
<td>E-Mail: <a href="mailto:jwassei@elliottddevelopment.com">jwassei@elliottddevelopment.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>295 Main Street, Suite 210</td>
<td></td>
</tr>
<tr>
<td>City/PO: Buffalo</td>
<td>State: NY</td>
</tr>
<tr>
<td></td>
<td>Zip Code: 14203</td>
</tr>
</tbody>
</table>

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   - NO  YES

   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

2. Does the proposed action require a permit, approval or funding from any other government agency?  
   - NO  YES

   If Yes, list agency(s) name and permit or approval: City of Buffalo Planning Board, ECIDA

   a. Total acreage of the site of the proposed action?  
      - 2.5 acres

   b. Total acreage to be physically disturbed?  
      - acres

   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  
      - 2.5 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
   - [ ] Urban  [ ] Rural (non-agriculture)  [ ] Industrial  [ ] Commercial  [ ] Residential (suburban)
   - [ ] Forest  [ ] Agriculture  [ ] Aquatic  [ ] Other (Specify):  
     - Parkland

Page 1 of 3

61
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
      | NO | YES | N/A |
      |    | ☑   |     |
   b. Consistent with the adopted comprehensive plan?  
      | NO | YES | N/A |
      |    | ☑   |     |

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  
   | NO | YES | N/A |
   |    | ☑   |     |

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify:  
   | NO | YES | N/A |
   |    | ☑   |     |

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
      | NO | YES | N/A |
      |    | ☑   |     |
   b. Are public transportation services available at or near the site of the proposed action?  
      | NO | YES | N/A |
      |    | ☑   |     |
   c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?  
      | NO | YES | N/A |
      |    | ☑   |     |

9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies:  
   | NO | YES | N/A |
   |    | ☑   |     |

10. Will the proposed action connect to an existing public/private water supply?  
    If No, describe method for providing potable water:  
    | NO | YES | N/A |
    |    | ☑   |     |

11. Will the proposed action connect to existing wastewater utilities?  
    If No, describe method for providing wastewater treatment:  
    | NO | YES | N/A |
    |    | ☑   |     |

12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  
    | NO | YES | N/A |
    |    | ☑   |     |
   b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  
    | NO | YES | N/A |
    |    | ☑   |     |

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
    | NO | YES | N/A |
    |    | ☑   |     |
   b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
    | NO | YES | N/A |
    |    | ☑   |     |

If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  

   | NO | YES | N/A |
   |    |     |     |
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- ☐ Shoreline  ☐ Forest  ☐ Agricultural/grasslands  ☐ Early mid-successional
- ☐ Wetland  ☒ Urban  ☐ Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

16. Is the project site located in the 100-year flood plan?

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

17. Will the proposed action create storm water discharge, either from point or non-point sources?
   If Yes,
   a. Will storm water discharges flow to adjacent properties?
   b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
   If Yes, briefly describe:
   Storm water will discharge into sewer along Michigan Ave.

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
   If Yes, explain the purpose and size of the impoundment:

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
   If Yes, describe:

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
   If Yes, describe:
   Remediation Site for W & F MiCo Inc (site Code 815248) is located 0.2 miles to the east.

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Michigan-Seneca Group, Inc.  
Date: 4/4/19  
Signature:  
Title: Planning & Development Coordinator
### Short Environmental Assessment Form

#### Part 2 - Impact Assessment

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

<table>
<thead>
<tr>
<th></th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>✓</td>
</tr>
<tr>
<td>2.</td>
<td>Will the proposed action result in a change in the use or intensity of use of land?</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Will the proposed action impair the character or quality of the existing community?</td>
<td>✓</td>
</tr>
<tr>
<td>4.</td>
<td>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</td>
<td>✓</td>
</tr>
<tr>
<td>6.</td>
<td>Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</td>
<td>✓</td>
</tr>
<tr>
<td>7.</td>
<td>Will the proposed action impact existing:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. public / private water supplies?</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>b. public / private wastewater treatment utilities?</td>
<td>✓</td>
</tr>
<tr>
<td>8.</td>
<td>Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</td>
<td>✓</td>
</tr>
<tr>
<td>9.</td>
<td>Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</td>
<td>✓</td>
</tr>
<tr>
<td>10.</td>
<td>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</td>
<td>✓</td>
</tr>
<tr>
<td>11.</td>
<td>Will the proposed action create a hazard to environmental resources or human health?</td>
<td>✓</td>
</tr>
</tbody>
</table>
Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

ERIE COUNTY
Name of Lead Agency

KAREN M. FIALA
Print or Type Name of Responsible Officer in Lead Agency

June 26, 2019
Date

ASSISTANT TREASURER
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)
270 Michigan

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

<table>
<thead>
<tr>
<th>Project Name</th>
<th>270 Michigan Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name</td>
<td>Michigan-Seneca Group, Inc.</td>
</tr>
<tr>
<td>Applicant Address</td>
<td>295 Main Street, Suite 210</td>
</tr>
<tr>
<td>Applicant Address 2</td>
<td></td>
</tr>
<tr>
<td>Applicant City</td>
<td>Buffalo</td>
</tr>
<tr>
<td>Applicant State</td>
<td>New York</td>
</tr>
<tr>
<td>Applicant Zip</td>
<td>14203</td>
</tr>
<tr>
<td>Phone</td>
<td>716-854-0060</td>
</tr>
<tr>
<td>Fax</td>
<td>716-852-2829</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:bpaladino@ellicottdevelopment.com">bpaladino@ellicottdevelopment.com</a></td>
</tr>
<tr>
<td>Website</td>
<td><a href="http://www.ellicottdevelopment.com">www.ellicottdevelopment.com</a></td>
</tr>
<tr>
<td>Federal ID#</td>
<td>16-1372028</td>
</tr>
<tr>
<td>NAICS Code</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Will a Real Estate Holding Company be utilized to own the Project property/facility
What is the name of the Real Estate Holding Company
Federal ID#
State and Year of Incorporation/Organization

List of stockholders, members, or partners of Real Estate Holding Company

Individual Completing Application

<table>
<thead>
<tr>
<th>Name</th>
<th>Jeremy Wassel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Planning &amp; Development Coordinator</td>
</tr>
<tr>
<td>Address</td>
<td>295 Main Street</td>
</tr>
<tr>
<td>Address 2</td>
<td>Suite 210</td>
</tr>
<tr>
<td>City</td>
<td>Buffalo</td>
</tr>
<tr>
<td>State</td>
<td>New York</td>
</tr>
<tr>
<td>Zip</td>
<td>14203</td>
</tr>
</tbody>
</table>
Phone
7168540060
Fax
7168522829
E-Mail
jwassel@ellicottdevelopment.com
Company Contact (if different from individual completing application)

Name
Thomas Fox
Title
Director of Development
Address
295 Main Street, Suite 210
Address 2
City
Buffalo
State
New York
Zip
14203
Phone
7168540060
Fax
7168522829
E-Mail
tfox@ellicottdevelopment.com

Company Counsel
Name of Attorney
Lori Carbaugh
Firm Name
Paladino, Cavan, Quinlivan & Pierce
Address
295 Main Street, Suite 210
Address 2
City
Buffalo
State
New York
Zip
14203
Phone
7168540060
Fax
7168522829
E-Mail
lcarbaugh@ellicottdevelopment.com

Identify the assistance being requested of the Agency

Exemption from Sales Tax
Yes
Exemption from Mortgage Tax
Yes
Exemption from Real Property Tax
No
Tax Exempt Financing*
No
* (typically for not-for-profits & small qualified manufacturers)

Business Organization
Type of Business
Corporation
Type of Ownership
Year Established
1990
State of Organization
New York

List all stockholders, members, or partners with % of ownership greater than 20%

https://www.ecidany.com/app/tax-incentive-application-2014/print/848

68
Please include name and % of ownership.

Nancy S. Krieger 20.62% Carl P. Paladino Revocable Trust 56%
Applicant Business Description

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility

The applicant has been around for nearly 3 decades and has been successfully managing 260 and 270 Michigan Avenue during this time. The applicant's principals have over 40 years of successful real estate development and management experience redeveloping many properties in City of Buffalo and Western New York.

Estimated % of sales within Erie County 100
Estimated % of sales outside Erie County but within New York State 0
Estimated % of sales outside New York State but within the U.S. 0
Estimated % of sales outside the U.S. 0

(*Percentage to equal 100%)

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases

100%
Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations

City of Buffalo

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

Yes

In which Municipality will the proposed project be located

City of Buffalo

Address

270 Michigan Avenue

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 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 Retail Section of this application)

SBL Number for Property upon which proposed Project will be located

111.70-7-2.12

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

102,212

Assessed value of land

207,300

Assessed value of building(s)

2,750,000

Are Real Property Taxes current?

Yes

If no please explain

Town/City/Village of Project Site

City of Buffalo

School District of Project Site

Buffalo Public Schools

Does the Applicant or any related entity currently hold fee title to 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

Commercial Office and vacant space. This site was historically home to Buffalo Envelope Company.
Please provide narrative of the proposed project and the purpose of the proposed project (new build, renovations, 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 proposed project at 270 Michigan Avenue is a full-scale renovation of an existing underutilized complex. Historically home of the Buffalo Envelope Company, portions of 270 Michigan Avenue are eligible for NYS and Federal historic tax credits, which we are pursuing. Through that effort, we are working towards having the property listed on the National Register of Historic Places. Accordingly, we must follow the Secretary of Interior Standards for Historic Preservation. While the overall scope of work is extensive, some of the key rehabilitation costs will include asbestos abatement, masonry repair and cleaning on the building’s exterior, replacement of existing non-original windows with historically accurate units, code compliance measures including a new elevator and the addition of a new egress stair in the 6-story portion, along with the addition of a fire suppression system and new utility services. While portions of the current complex are occupied by existing tenancies, the complex has been underutilized for many years. The proposed project program includes the allocation of new commercial office and warehouse space across the first three floors of the complex along with the addition of 6 market-rate apartments on the floors four through six of the 6-story portion. In addition to the proposed renovation of the existing complex, we are proposing the construction of a single-level parking deck at the west end of the property that will provide the ability to park 100 additional vehicles off-street, boosting marketability of the property to prospective commercial tenancies.

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 how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

Like other adaptive reuse projects that we have undertaken, the viability of this project is plagued in many ways requiring a need for every available resource to finance and yield a modest return. Redeveloping a long-term underutilized structure such as this results in many extraordinary and unknown costs that are not confronted in new ground-up development. These costs include, but are not limited to, bringing the building into code compliance, abating environmental contamination, and extensive measures to modernize and make the property marketable to prospective tenants in today’s market. While construction costs in our area are generally in line with and in some cases higher than in other major American cities, our rental market significantly lags behind in what developers can charge for rent. These low market rates result in an unwillingness by lenders to commit to the projected need for project financing resulting in a loan-to-value shortfall. The requested funding is further challenged when our lenders rely on further discounted rental rates than those we feel we can comfortably achieve in the project area. With the ECIDA’s assistance, we are able to tighten the gap in project financing and breathe new life into a long underutilized and structure.

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?

We cannot proceed with the project as current market rates for office and residential apartments do not support the high costs of redeveloping the property as further detailed above.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

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

Yes

Describe the present zoning/land use

The site is zoned N-1C, which is described as Mixed-Use Core

Describe required zoning/land use, if different

If a change in zoning/land use is required, please 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?

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

Yes

If yes, please provide copies of the study.

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

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, please explain.

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all end uses as identified below.

Retail Sales No Services No

For purposes of this question, 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.

No Manufacturing Yes Multi-Tenant Yes Mixed Use

No Acquisition of Existing Facility Yes Commercial No Facility for the Aging

Yes Housing Yes Back Office No Civic Facility (not for profit)

No Equipment Purchase No Retail No Other
Project Information

Estimated costs in connection with project

Land and/or Building Acquisition

$0 square feet acres

New Building Construction

$0 square feet

New Building addition(s)

$950,000 33,000 square feet

Infrastructure Work

$0

Renovation

$5,016,000 47,000 square feet

Manufacturing Equipment

$0

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

$0

Soft Costs: (professional services, etc.)

$696,000

Other Cost

$0

Total Cost

$6,662,000

Project Refinancing; estimated amount (for refinancing of existing debt only)

$0

Have any of the above costs been paid or incurred as of the date of this Application?

Yes

If Yes, describe particulars:

Surveying, design development and environmental studies

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):

$1,999,000

Bank Financing:

$4,663,000

Tax Exempt Bond Issuance (if applicable):

$0

Taxable Bond Issuance (if applicable):

$0

Public Sources (Include sum total of all state and federal grants and tax credits):
$1,150,000

**Identify each state and federal grant/credit:**

State and Federal Historic Tax Credits

**Total Sources of Funds for Project Costs:**

$7,812,000

**Has a financing preapproval letter or loan commitment letter been obtained?**

No

**Mortgage Recording Tax Exemption Benefit:**

*Estimated Mortgage Amount (Sum total of all financing – construction and bridge). Amount of mortgage, if any, that would be subject to mortgage recording tax.*

$4,663,000

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):**

$34,972

**Construction Cost Breakdown:**

**Total Cost of Construction**

$6,662,000 (sum of 2,3,4,5, and/or 7 in Question K, above)

**Cost for materials**

$3,331,000

**% sourced in Erie County**

100%

**% sourced in State**

100% (including Erie County)

**Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency’s sales and use tax exemption benefit**

$2,508,000

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

$219,450

**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:**

485a

**For proposed facility please include # of sq ft for each of the uses outlined below**

<table>
<thead>
<tr>
<th>Use</th>
<th>Cost</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing/Processing</td>
<td>square feet</td>
<td>$0</td>
</tr>
<tr>
<td>Warehouse</td>
<td>square feet</td>
<td>$0</td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>square feet</td>
<td>$0</td>
</tr>
<tr>
<td>Commercial</td>
<td>35,450</td>
<td>$4,150,000</td>
</tr>
<tr>
<td>Retail</td>
<td>33,000</td>
<td>$950,000</td>
</tr>
<tr>
<td>Office</td>
<td>square feet</td>
<td>$0</td>
</tr>
</tbody>
</table>
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)

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

Will project result in significant utility infrastructure cost or uses

Yes

What is your project timetable (Provide dates)

Start date: acquisition of equipment or construction of facilities

7/1/2019

End date: Estimated completion date of project

8/1/2020

Project occupancy: estimated starting date of operations

8/1/2020

Have construction contracts been signed?

No

Have site plans been submitted to the appropriate planning department for approval?

Yes

Has the Project received site plan approval from the appropriate planning department?

Yes

Is project necessary to expand project employment?

No

Is project necessary to retain existing employment?

No

Employment Plan (Specific to the proposed project location):

<table>
<thead>
<tr>
<th>Current # of jobs at proposed project location or to be relocated at project location</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be RETAINED</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full time</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Part time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

** The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.
***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).

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

<table>
<thead>
<tr>
<th>Category of Jobs to be Retained and Created</th>
<th># of Employees Retained and Created</th>
<th>Average Salary for Full Time</th>
<th>Average Fringe Benefits for Full Time</th>
<th>Average Salary for Part Time (if applicable)</th>
<th>Average Fringe Benefits for Part Time (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Professional</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Administrative</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Production</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Independent Contractor</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>$37,440</td>
<td>$0</td>
<td>$18,722</td>
<td>$0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Address</th>
<th>Full time</th>
<th>0</th>
<th>0</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part time</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Will any of the facilities described above be closed or subject to reduced activity?
Yes

Payroll Information

Annual Payroll at Proposed Project Site
$ 56,270

Estimated average annual salary of jobs to be retained (Full Time)
$ 37,440

Estimated average annual salary of jobs to be retained (Part Time)
$ 0

Estimated average annual salary of jobs to be created (Full Time)
$ 0

Estimated average annual salary of jobs to be created (Part Time)
$ 18,720

Estimated salary range of jobs to be created
<table>
<thead>
<tr>
<th>From (Full Time)</th>
<th>$ 37,550</th>
<th>To (Full Time)</th>
<th>$ 37,550</th>
</tr>
</thead>
<tbody>
<tr>
<td>From (Part Time)</td>
<td>$ 18,720</td>
<td>To (Part Time)</td>
<td>$ 18,720</td>
</tr>
</tbody>
</table>

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

If yes, please explain and identify out-of-state locations investigated

What competitive factors led you to inquire about sites outside of New York State?

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

Do you anticipate applying for any other assistance for this project?
Yes

If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)
State and Federal Historic Tax Credits and 485a
Section III: Facility Type - Single or Multi Tenant

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

**For Single Use Facility:**
- Occipient Name
- Address
- Contact Person
- Phone
- Fax
- E-Mail
- Federal ID #
- SIC/NAICS Code

**Multi-Tenant Facility**
Please explain what market conditions support the construction of this multi-tenant facility

Have any tenant leases been entered into for this project?
<BLANK>

If yes, please fill out a tenant form in section VII, for each tenant.

<table>
<thead>
<tr>
<th>Tenant Name</th>
<th>Current Address (city, state, zip)</th>
<th># of sq ft and % of total to be occupied at new project site</th>
<th>SIC or NAICS—also briefly describe type of business, products/services, % of sales in Erie Co.</th>
</tr>
</thead>
</table>
Section IV: Tenant Information
Section V: Environmental Questionnaire

General Background Information

Address of Premises 270 Michigan Avenue Buffalo, NY 14203
Name and Address of Owner of Premises Michigan-Seneca Group, Inc 295 Main Street, Suite 210 Buffalo, NY 14203

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

- The property is located in Downtown Buffalo, a fully developed urban area.

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

- Constructed in 1890, this 6-story building was home to Buffalo Envelope Company from 1900 to the early 1980s.

Describe all known former uses of the Premises

- Office, manufacturing and warehouse

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

- Yes

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

- Office

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

- Yes

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

- NYSDEC Spill #0275460. DEC determined no further work was required and gave the site a "inactive" status

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?

- Yes

If yes, please provide copies of the permits.
Identify the transporter of any hazardous and/or solid wastes to or from the Premises

Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years
Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?

No

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

Discharge Into Waterbodies

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

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

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

No

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

Air Pollution

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

No

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

Are any of the air emission sources permitted?

No

If yes, attach a copy of each permit.

Storage Tanks

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

3,000 Gallon double-walled, gasoline SUT with interstitial monitoring.

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

Mudded Fittings, Floor tile, Ceramic Tile Grout, Ceramic Tile Adhesive, Carpet Adhesive, Ceiling Tile, Dry Wall, Joint Compound, Mastic Black, Cove Base, Cove Base Adhesive, Wall Tile, Wall Tile Adhesive, Boiler Breeching, Felt Paper Black, Cementitious Wall, Skim Coat, Spray On, Duct Wrap, Stickpin Mastic, Mastic Yellow, Carpet Adhesive
Section VI: 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.

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:

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?

Within New York State  No

Within Erie County  No

If Yes to either question, please, explain

Will the project result in a relocation of an existing business operation from the City of Buffalo?  No

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

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

If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?  No

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

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

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

Are you applying for tax incentives under the Adaptive Reuse Program? Yes
What is the age of the structure (in years)? 120
Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended) Yes
If vacant, number of years vacant. 25
If underutilized, number of years underutilized. 25
Describe the use of the building during the time it has been underutilized:

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class) Yes
If yes, please provide dollar amount of income being generated, if any $0
If apartments are planned in the facility, please indicate the following:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Sq. Ft. Range Low to High</th>
<th>Rent Range Low to High</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>3</td>
<td>1,272</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>3</td>
<td>1,837</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

Does the site have historical significance? Yes
Are you applying for either State/Federal Historical Tax Credit Programs? Yes
If yes, provide estimated value of tax credits $1,150,000

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

Current rental rates do not support the heightened costs of the proposed commercial adaptive reuse of 270 Michigan which includes structural repairs on the building’s interior, replacement of windows, installation of new vertical circulation including an elevator and stair tower and fire suppression system among other items to bring the building into code compliance.

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

Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments

The redevelopment of 270 Michigan Avenue faces many issues when paired with market rates complicate a feasible redevelopment of this property situated in a highly distressed area. Among these issues is the cost of bring the building into code compliance and replacing outdated infrastructure repairs and the heightened cost associated in complying with Secretary of Interior Standards for rehabilitation of historic structures.
Section VIII: Senior Citizen Rental Housing Projects

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

No

Has the project received written support from the city, town or village government in which it is located?

<BLANK>

Describe the location of the project as it relates to the project's proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?

<BLANK>

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details.

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?

<BLANK>

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?

<BLANK>

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?

<BLANK>

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?

<BLANK>

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and / or negatively impact the project’s return on investment?

<BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA 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).

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?

<BLANK>

If yes, please describe provide a narrative citing key facts that substantiate this finding.
Section IX: Retail Determination

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

If yes, complete the Retail Questionnaire Supplement below.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?  
76 %

If the answer to this is less than 33% do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

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

Will the project be operated by a not-for-profit corporation?  
No

Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?  
No

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

Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?  
No

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

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?  
No

If yes, explain

Is the project located in a Highly Distressed Area?  
Yes
Buffalo Material Handling
$1,315,000
INDUCEMENT RESOLUTION

<table>
<thead>
<tr>
<th>ELIGIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>• NAICS Section - 423830</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPANY INCENTIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Approximately $61,250 in sales tax savings</td>
</tr>
<tr>
<td>• Approximately $123,000 in real property tax savings</td>
</tr>
<tr>
<td>• Up to 3/4 of 1% of the final mortgage amount estimated at $6,750</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EMPLOYMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Current Jobs - 30</td>
</tr>
<tr>
<td>• Projected New Jobs - 3</td>
</tr>
<tr>
<td>• Total Jobs 2 Years After Project Completion: 33</td>
</tr>
<tr>
<td>• Annual payroll: $1,340,000</td>
</tr>
<tr>
<td>• Estimated salary of jobs to be created: $30,000</td>
</tr>
<tr>
<td>• Estimated salary of jobs to be retained: $40,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT HISTORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 05/20/2019 - Public hearing held. Transcript attached.</td>
</tr>
<tr>
<td>• 6/26/2019 - Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA.</td>
</tr>
<tr>
<td>• 6/26/2019 - Lease/Leaseback Inducement Resolution presented to the Board of Directors</td>
</tr>
</tbody>
</table>

Project Title: Buffalo Material Handling
Project Address: 125 Taylor Drive
Depew, New York 14043
(Lancaster Central School District)

Agency Request
A sales tax, mortgage recording tax and real property tax exemption in connection with the construction of a 10,000 sq. ft. expansion.

| Building Addition | $950,000 |
| Renovation        | $250,000 |
| Non-Manufacturing Equipment | $65,000 |
| Soft Costs        | $50,000 |
| Total Project Cost | $1,315,000 |

85%  $1,117,750

Company Description
Buffalo Material Handling is owned 100% by Peter Tunkey who purchased the company in 2010. The company is a distributor of all types of material handling equipment such as forklifts, scissor lifts and industrial scrubbers. In addition, they also perform OSHA training and install pallet racking systems and docks. Company sales are predominantly to Erie County customers and include Rich Products, Tops Markets and Sonwil.

Project Description
The company currently occupies 12,000 sq. ft. of space on Taylor Drive in the Village of Depew in the Town of Cheektowaga. In need of additional capacity to increase productivity and ease workflow, the company is proposing to construct a 10,000 sq. ft. addition. In 2019 Buffalo Material Handling was awarded a 3-year contract with GM Tonawanda to service all of their mobile equipment.

New Tax Revenue Estimated

<table>
<thead>
<tr>
<th>Current Yearly Taxes</th>
<th>Estimated New Assessed Value</th>
<th>Additional County Revenue over abatement period</th>
<th>Additional Local Revenue over abatement period</th>
<th>New Yearly Taxes Upon Expiration of Abatement Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$540,000</td>
<td>$4,415</td>
<td>$29,267</td>
<td>$22,455</td>
</tr>
</tbody>
</table>

Combined Tax Rate: $41.58
## Draft Recapture Material Terms

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total project amount = $1,315,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>85% = $1,117,750</td>
</tr>
<tr>
<td>Employment</td>
<td>Coincides with 7-year PILOT</td>
<td>Maintain base: 30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Create 85% of Projected</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Projected = 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>85% = 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recapture Employment = 32</td>
</tr>
<tr>
<td>Local Labor</td>
<td>Construction period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Pay Equity</td>
<td>Coincides with 7-year PILOT</td>
<td>Adherence to Policy</td>
</tr>
<tr>
<td>Unpaid Tax</td>
<td>Coincides with 7-year PILOT</td>
<td>Adherence to Policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>Coincides with 7-year PILOT</td>
<td>Recapture of Mortgage recording tax, state and local sales taxes</td>
</tr>
</tbody>
</table>

Recapture applies to:
- State and Local Sales Taxes
- Real Property Tax
- Mortgage Recording Tax

---

### Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) Company has maintained 30 FTE and created 3 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.
## ADDENDUM TO PROJECT LOG
BUFFALO MATERIAL HANDLING -2019

<table>
<thead>
<tr>
<th>Evaluative Criteria</th>
<th>Notes</th>
</tr>
</thead>
</table>
| Wage Rate (above median wage for area) | Erie County per capita income: $31,083  
Company estimated average salary of jobs to be retained: $40,000  
Company estimated average salary of jobs to be created: $30,000 |
| Regional Wealth Creation (% sales/customers outside area) | Sales:  
Erie County: 90%  
In NYS: 10% |
| In Region Purchases (% of overall purchases) | 50% |
| Research & Development Activities | Not applicable |
| Investment in Energy Efficiency | Not applicable |
| Locational Land Use Factors, Brownfields or Locally Designated Development Areas | Property is zoned M-1 light industrial. |
| LEED/Renewable Resources | Not applicable |
| Retention/Flight Risk | Not applicable |
| MBE/WBE Utilization | Kulback's will be acting as the general contractor and has a history of outreach to the minority and women business contracting community |
| Workforce Access – Proximity to Public Transportation | Facility is on route 14, 22, 46 and 68 |

June 26, 2019
** The PILOT Worksheet will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

**PILOT Estimate Table Worksheet-Buffalo Material Handling - 2019**

<table>
<thead>
<tr>
<th>Dollar Value of New Construction and Renovation Costs</th>
<th>Estimated New Assessed Value of Property Subject to IDA*</th>
<th>County Tax Rate/1000</th>
<th>Local Tax Rate (Town/City/Village)/1000</th>
<th>School Tax Rate/1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,200,000</td>
<td>$540,000</td>
<td>$5.45</td>
<td>$19.70</td>
<td>$16.43</td>
</tr>
</tbody>
</table>

*Apply equalization rate to value

<table>
<thead>
<tr>
<th>PILOT Year</th>
<th>% Payment</th>
<th>County PILOT Amount</th>
<th>Local PILOT Amount</th>
<th>School PILOT Amount</th>
<th>Total PILOT</th>
<th>Full Tax Payment w/o PILOT</th>
<th>Net Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10%</td>
<td>$294</td>
<td>$1,064</td>
<td>$887</td>
<td>$2,245</td>
<td>$22,455</td>
<td>$20,209</td>
</tr>
<tr>
<td>2</td>
<td>10%</td>
<td>$294</td>
<td>$1,064</td>
<td>$887</td>
<td>$2,245</td>
<td>$22,455</td>
<td>$20,209</td>
</tr>
<tr>
<td>3</td>
<td>20%</td>
<td>$589</td>
<td>$2,128</td>
<td>$1,774</td>
<td>$4,491</td>
<td>$22,455</td>
<td>$17,964</td>
</tr>
<tr>
<td>4</td>
<td>20%</td>
<td>$589</td>
<td>$2,128</td>
<td>$1,774</td>
<td>$4,491</td>
<td>$22,455</td>
<td>$17,964</td>
</tr>
<tr>
<td>5</td>
<td>30%</td>
<td>$1,244</td>
<td>$2,831</td>
<td>$2,661</td>
<td>$6,736</td>
<td>$22,455</td>
<td>$15,718</td>
</tr>
<tr>
<td>6</td>
<td>30%</td>
<td>$1,244</td>
<td>$2,831</td>
<td>$2,661</td>
<td>$6,736</td>
<td>$22,455</td>
<td>$15,718</td>
</tr>
<tr>
<td>7</td>
<td>30%</td>
<td>$1,244</td>
<td>$2,831</td>
<td>$2,661</td>
<td>$6,736</td>
<td>$22,455</td>
<td>$15,718</td>
</tr>
</tbody>
</table>

|             |           | $4,415              | $6,218             | $13,307           | $33,682     | $157,184                  | $123,502      |

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

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>Estimated Value of PILOT</th>
<th>Estimated Value of Sales Tax Incentive</th>
<th>Estimated Value of Mortgage Tax Incentive</th>
<th>Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,315,000</td>
<td>$123,502</td>
<td>$61,250</td>
<td>$6,750</td>
<td>$0</td>
</tr>
</tbody>
</table>

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 14.6 %
Internal Report: Buffalo Material Handling - Buffalo Material Handling

Table 1: Basic Information

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>Buffalo Material Handling</td>
</tr>
<tr>
<td>Project Industry</td>
<td>(42) Wholesale Trade</td>
</tr>
<tr>
<td>Municipality</td>
<td>Depew Village, Lancaster Town</td>
</tr>
<tr>
<td>School District</td>
<td>Lancaster</td>
</tr>
<tr>
<td>Project Cost</td>
<td>$1,315,000</td>
</tr>
<tr>
<td>Construction Budget</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>Direct Employment Expected</td>
<td>33 (3 created and 30 retained)</td>
</tr>
<tr>
<td>Direct Labor Income</td>
<td>$990,000</td>
</tr>
<tr>
<td>Direct Construction Jobs</td>
<td>9</td>
</tr>
<tr>
<td>Direct Construction Labor Income</td>
<td>$461,190</td>
</tr>
<tr>
<td>Total Labor Income</td>
<td>$1,451,190</td>
</tr>
</tbody>
</table>

Table 2: Estimated State & Regional Benefits*

<table>
<thead>
<tr>
<th>Region</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Property Tax Revenue (PILOT or Improvements)</td>
<td>$32,339</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$218,781</td>
</tr>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Income Tax Revenue</td>
<td>$497,366</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$184,236</td>
</tr>
<tr>
<td><strong>TOTAL Estimated Revenue</strong></td>
<td><strong>$932,722</strong></td>
</tr>
</tbody>
</table>

Table 3: Estimated Project Incentives*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax Savings</td>
<td>$122,484</td>
</tr>
<tr>
<td>Sales Tax Savings</td>
<td>$61,250</td>
</tr>
<tr>
<td>Mortgage Tax Savings</td>
<td>$6,750</td>
</tr>
<tr>
<td><strong>TOTAL Estimated Incentives</strong></td>
<td><strong>$190,484</strong></td>
</tr>
</tbody>
</table>
Table 4: Employment Breakdown

<table>
<thead>
<tr>
<th>Project</th>
<th>33 (3 created and 30 retained)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct**</td>
<td>33 (3 created and 30 retained)</td>
</tr>
<tr>
<td>Indirect***</td>
<td>14</td>
</tr>
<tr>
<td>Induced****</td>
<td>19</td>
</tr>
<tr>
<td>Construction</td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td>9</td>
</tr>
<tr>
<td>Indirect</td>
<td>3</td>
</tr>
</tbody>
</table>

Table 5: Ratios

<table>
<thead>
<tr>
<th>Ratio</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit to Cost Ratio</td>
<td>4.9:1</td>
</tr>
<tr>
<td>Overall ROI</td>
<td>91.3:1</td>
</tr>
</tbody>
</table>

* Figures over 7 years and discounted by 3.49%
** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.
*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.
**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

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PUBLIC HEARING SCRIPT

125 Taylor Holdings, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf Project

Public Hearing to be held on May 20, 2019 at 9:00 a.m., at the Town of Cheektowaga Town Hall, 3301 Broadway (Town Council Chamber), Cheektowaga, New York 14227

ATTENDANCE:

Peter Tunkey, Buffalo Material Handling
Patrick Crist, Prolift, Inc.

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing.

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 125 Taylor Holdings, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Friday, May 10, 2019.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) a parcel of land located at 125 Taylor Drive, Village of Depew, Town of Cheektowaga, Erie County, New York (the “Land”) to be improved thereon with a building addition totaling 10,000+/- SF (the “Improvements”) to be utilized for increased mobile servicing space, and (ii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the “Equipment”, and collectively with the Land and the Improvements, the “Facility”).

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

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

**Hearing Officer:** All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203 until the comment period closes on June 25, 2019. There are no limitations on written comments.

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

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

Peter Tunkey – I am the sole owner of Buffalo Material Handling at 125 Taylor Drive. We have a property that we have outgrown, and we need more space in order to have better workflow, more space to store our equipment and hire more staff. We are looking to expand our property by approximately 10,000 sq. ft. The property is located adjacent to our current facility. This will allow us to have offices for more staff and better workflow and we would be able to store trucks for our forklift business and our pallet racking systems.

Patrick Crist – I am here speaking on behalf of Prolift here in Buffalo. We found out about the requested funding from the Buffalo News and we saw that the GM contract was a big driver of this requested funding. However, the GM contact work would be performed on-site at GM not requiring any additional space for the current building. The contract for GM is 3 years and cancelled on demand and we have seen firsthand that they will cancel without question. As far as growth goes, we have continued to grow without funding from the ECIDA. We have grown our rental fleet without any tax breaks. If the ECIDA allows this then Buffalo Material Handling has a competitive advantage and it just seems like growth is subsidized by the government. We just wanted to get our opinion out there that it would be detrimental to other dealers in the territory if the funds were allowed to go through.

6. ADJOURNMENT:

As there were no further comments, the Hearing Officer closed the public hearing at 9:15 a.m.
SIGN IN SHEET
PUBLIC HEARING

May 20, 2019, at 9:00 a.m.
at the Town of Cheektowaga Town Hall, 3301 Broadway
(Town Council Chamber), Cheektowaga, New York 14227
regarding:

125 Taylor Holdings, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf

Project Location: 125 Taylor Drive, Depew, New York 14043

<table>
<thead>
<tr>
<th>Name</th>
<th>Company and/or Address</th>
<th>X box to speak/ comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Tunkey</td>
<td>125 Taylor Drive</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Depew, New York 14043</td>
<td></td>
</tr>
<tr>
<td>Patrick Crist</td>
<td>Prolift, Inc.</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>1835 Dale Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buffalo, New York 14225</td>
<td></td>
</tr>
</tbody>
</table>
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

### Part 1 - Project and Sponsor Information

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>Taylor Expansion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a location map):</td>
<td>125 Taylor Dr. Depew N.Y. 14043</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
<td>Add on 10,000 sqft building to existing building.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Peter T. Tucker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>716-894-6370</td>
</tr>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:ptucker@bmtwy.com">ptucker@bmtwy.com</a></td>
</tr>
</tbody>
</table>

| Address: | 125 Taylor Dr. |
| City/PO: | Depew |
| State: | N.Y. |
| Zip Code: | 14043 |

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   - NO  
   - YES

2. Does the proposed action require a permit, approval or funding from any other governmental Agency?  
   - NO  
   - YES

3. a. Total acreage of the site of the proposed action?  
   - 8 acres

   b. Total acreage to be physically disturbed?  
   - 4 acres

   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  
   - 2.6 acres

4. Check all land uses that occur on, adjoining and near the proposed action.  
   - [ ] Urban  
   - [ ] Rural (non-agriculture)  
   - [ ] Industrial  
   - [ ] Commercial  
   - [ ] Residential (suburban)  
   - [ ] Forest  
   - [ ] Agriculture  
   - [ ] Aquatic  
   - [ ] Other (specify):  

Page 1 of 4
5. Is the proposed action,  
a. A permitted use under the zoning regulations?  
   | NO | YES | N/A |
   |    | ☑   |     |
   b. Consistent with the adopted comprehensive plan?  
   | NO | YES | N/A |
   |    |     |     |
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  
   | NO | YES |
   |     |     |
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify:  
   | NO | YES |
   |     |     |
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
   | NO | YES |
   |     |     |
b. Are public transportation service(s) available at or near the site of the proposed action?  
   | NO | YES |
   |     |     |
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  
   | NO | YES |
   |     |     |
9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies:  
   | NO | YES |
   |     |     |
10. Will the proposed action connect to an existing public/private water supply?  
    If No, describe method for providing potable water:  
    | NO | YES |
    |     |     |
11. Will the proposed action connect to existing wastewater utilities?  
    If No, describe method for providing wastewater treatment:  
    | NO | YES |
    |     |     |
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  
    | NO | YES |
    |     |     |
b. Is the proposed action located in an archeological sensitive area?  
    | NO | YES |
    |     |     |
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
    | NO | YES |
    |     |     |
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
    If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  
    | NO | YES |
    |     |     |
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:  
    - Shoreline  
    - Forest  
    - Agricultural/grasslands  
    - Early mid-successional  
    - Wetland  
    - Urban  
    - Suburban  
    | NO | YES |
    |     |     |
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?  
    | NO | YES |
    |     |     |
16. Is the project site located in the 100 year flood plain?  
    | NO | YES |
    |     |     |
17. Will the proposed action create storm water discharge, either from point or non-point sources?  
    If Yes,  
    a. Will storm water discharges flow to adjacent properties?  
       | NO | YES |
       |     |     |
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
    If Yes, briefly describe:  
    | NO | YES |
    |     |     |
97
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?
   If Yes, explain purpose and size: 
<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>❌</td>
<td></td>
</tr>
</tbody>
</table>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
   If Yes, describe: 
<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>❌</td>
<td></td>
</tr>
</tbody>
</table>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
   If Yes, describe: 
<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>❌</td>
<td></td>
</tr>
</tbody>
</table>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: [Signature] Date: 5/5/19

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

<table>
<thead>
<tr>
<th>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>![Checkmark]</td>
<td>![Blank]</td>
<td>![Blank]</td>
</tr>
</tbody>
</table>

| 2. Will the proposed action result in a change in the use or intensity of use of land? | ![Checkmark] | ![Blank] | ![Blank] |
|-----|-----|-----|

| 3. Will the proposed action impair the character or quality of the existing community? | ![Checkmark] | ![Blank] | ![Blank] |
|-----|-----|-----|

| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | ![Checkmark] | ![Blank] | ![Blank] |
|-----|-----|-----|

| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | ![Checkmark] | ![Blank] | ![Blank] |
|-----|-----|-----|

| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | ![Checkmark] | ![Blank] | ![Blank] |
|-----|-----|-----|

| 7. Will the proposed action impact existing:
   a. public / private water supplies?
   b. public / private wastewater treatment utilities? | ![Checkmark] | ![Blank] | ![Blank] |
|-----|-----|-----|

| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | ![Checkmark] | ![Blank] | ![Blank] |
|-----|-----|-----|

| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | ![Checkmark] | ![Blank] | ![Blank] |
|-----|-----|-----|

Page 3 of 4
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

<table>
<thead>
<tr>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

11. Will the proposed action create a hazard to environmental resources or human health?

<table>
<thead>
<tr>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

** Erie County IOA**

*Name of Lead Agency*

**Karen M. Figura**

*Print or Type Name of Responsible Officer in Lead Agency*

**June 20, 2019**

*Date*

**Asst. Treasurer**

*Title of Responsible Officer*

**Karen M. Figura**

*Signature of Responsible Officer in Lead Agency*

**Signature of Preparer (if different from Responsible Officer)**
BMH addition

Section 1: Applicant Background Information

Applicant Information - Company Receiving Benefit

Project Name: Buffalo Material Handling
Applicant Name: 125 Taylor Holdings, LLC
Applicant Address: 125 Taylor Dr
Applicant Address 2: 125 Taylor Holdings, LLC / Buffalo Materials Handling
Applicant City: Depew
Applicant State: New York
Applicant Zip: 14043
Phone: 7168946370
Fax
E-mail: info@bmhny.com
Website: www.buffalomaterialshandling.com
Federal ID#: 272599404
NAICS Code
Will a Real Estate Holding Company be utilized to own the Project property/facility: No
What is the name of the Real Estate Holding Company:
Federal ID#
State and Year of Incorporation/Organization:
List of stockholders, members, or partners of Real Estate Holding Company:

Individual Completing Application

Name: Peter Tunkey
Title: President
Address: 50 Thames Ct
Address 2:
City: Getzville
State: New York
Zip: 14068

The Erie County Industrial Development Agency (ECIDA)

Phone 7166897822
Fax
E-Mail ptunkey@mindspring.com
Company Contact (if different from individual completing application)

Name
Title
Address
Address 2
City
State
Zip
Phone
Fax
E-Mail

Company Counsel

Name of Attorney    Brian Lewandowski
Firm Name    Lewandowski & Associates
Address    721 Center Street
Address 2
City    Buffalo
State    New York
Zip    14224
Phone    7166744710
Fax
E-Mail    blevandowski@lewadowskiandassoc.com

Identify the assistance being requested of the Agency

Exemption from Sales Tax    Yes
Exemption from Mortgage Tax    Yes
Exemption from Real Property Tax    Yes
Tax Exempt Financing*    No
* (typically for not-for-profits & small qualified manufacturers)

Business Organization

Type of Business    Limited Liability Company
Type of Ownership
Year Established    2010
State of Organization    New York

List all stockholders, members, or partners with % of ownership greater than 20%

Please include name and % of ownership.

Peter Tunkey 100%
Applicant Business Description

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility

Peter Tunkey purchased the company in 2010 and is the 3rd owner in its 65+ year history. Buffalo Material Handling sells, services and rents forklifts, scissor lifts and industrial scrubbers. In addition we also perform OSHA training, sell and install pallet racking and docks. Rich Products, Tops Markets, IIMAK and Sonwil are a sampling of the customers we service.

Estimated % of sales within Erie County 90
Estimated % of sales outside Erie County but within New York State 10
Estimated % of sales outside New York State but within the U.S. 0
Estimated % of sales outside the U.S. 0
(*Percentage to equal 100%)

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases

50%
Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations
   Town of Cheektowaga/Village of Depew

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

In which Municipality will the proposed project be located

Address
   125 Taylor Dr Depew, NY

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 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 Retail Section of this application)

SBL Number for Property upon which proposed Project will be located
   103.07-7-1.1

What are the current real estate taxes on the proposed Project Site
   N/A - part of parent parcel and existing building

Assessed value of land
   N/A

Assessed value of building(s)
   N/A

Are Real Property Taxes current?
   Yes

If no please explain

Town/City/Village of Project Site
   Cheektowaga/Depew

School District of Project Site
   Lancaster Central

Does the Applicant or any related entity currently hold fee title to 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 adjacent to existing building

Please provide narrative of the proposed project and the purpose of the proposed project (new build, renovations, 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)

Buffalo Materials Handling has grown and is need of expanded space. We would like to expand at the current location to accommodate more staff, equipment and enjoy a better work flow. The current facility is 12,000 sq. ft. and we are looking to construct a 10,000 sq. ft. addition; thereby almost doubling our space.

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:

As the sole owner of the company, I personally could not afford to expand or renovate the way we need to in order to be successful. IDA assistance would allow the company to continue to grow and be successful.

Describe the reasons why the Agency’s Financial Assistance is necessary and how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

In 2019 we were awarded a 3-year contract with GM Tonawanda to service all of their mobile equipment. With ECIDA assistance, we will be able to renovate, expand and allow us to add 3 additional employees, service more trucks and increase our rental fleet.

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?

I would not be able to hire the staff needed as we would not have the physical space available. In spite of the demand for our services we would not be able to take on additional shop work.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

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

Yes

Describe the present zoning/land use

M-1, Light Industrial

Describe required zoning/land use, if different

N/A

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

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?
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, please explain.

**What percentage of annual operating expenses are attributed to the above referenced research and development activities?**

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all end uses as identified below.

- **Retail Sales**  No
- **Services**  No

For purposes of this question, 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.

- No Manufacturing
- No Acquisition of Existing Facility
- No Housing
- No Equipment Purchase
- No Multi-Tenant
- No Commercial
- No Back Office
- No Retail
- No Mixed Use
- No Facility for the Aging
- No Civic Facility (not for profit)
- Yes Other
  - warehouse/distribution
Project Information
Estimated costs in connection with project
Land and/or Building Acquisition
$ 0 square feet acres

New Building Construction
$ 0 10,000 square feet

New Building addition(s)
$ 950,000 10,000 square feet

Infrastructure Work
$ 0

Renovation
$ 250,000 square feet

Manufacturing Equipment
$ 0

Non-Manufacturing Equipment: (furniture, fixtures, etc.)
$ 65,000

Soft Costs: (professional services, etc.)
$ 50,000

Other Cost
$ 0

Explain Other Costs

Total Cost
$ 1,315,000

Project Refinancing; estimated amount (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):
$ 415,000

Bank Financing:
$ 900,000

Tax Exempt Bond Issuance (if applicable):
$ 0

Taxable Bond Issuance (if applicable):
$ 0

Public Sources (Include sum total of all state and federal grants and tax credits):
$ 0
Identify each state and federal grant/credit:

Total Sources of Funds for Project Costs:
$1,315,000

Has a financing preapproval letter or loan commitment letter been obtained?
No

Mortgage Recording Tax Exemption Benefit:

Estimated Mortgage Amount (Sum total of all financing – construction and bridge).
*Amount of mortgage, if any, that would be subject to mortgage recording tax.
$ 900,000

Lender Name, if Known
Evans Bank

Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):
$ 6,750

Construction Cost Breakdown:

Total Cost of Construction
$ 1,200,000

(sum of 2,3,4,5, and/or 7 in Question K, above)

Cost for materials
$ 700,000

% sourced in Erie County
100%

% sourced in State
% (including Erie County)

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
$ 700,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):
$ 61,250

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:

For proposed facility please include # of sq ft for each of the uses outlined below

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Cost</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing/Processing</td>
<td>$ 0</td>
<td>0</td>
</tr>
<tr>
<td>Warehouse</td>
<td>10,000 square feet</td>
<td>$ 1,200,000</td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>$ 0</td>
<td>0</td>
</tr>
<tr>
<td>Commercial</td>
<td>$ 0</td>
<td>0</td>
</tr>
<tr>
<td>Retail</td>
<td>$ 0</td>
<td>0</td>
</tr>
<tr>
<td>Office</td>
<td>$ 0</td>
<td>0</td>
</tr>
<tr>
<td>Specify Other</td>
<td>$ 0</td>
<td>0</td>
</tr>
</tbody>
</table>
If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?
<BLANK>

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

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

Will project result in significant utility infrastructure cost or uses
Yes

What is your project timetable (Provide dates)

Start date: acquisition of equipment or construction of facilities
7/1/2019

End date: Estimated completion date of project
12/31/2019

Project occupancy: estimated starting date of operations
12/31/2019

Have construction contracts been signed?
No

Have site plans been submitted to the appropriate planning department for approval?
Yes

Has the Project received site plan approval from the appropriate planning department?
Yes

Is project necessary to expand project employment?
Yes

Is project necessary to retain existing employment?
Yes

Employment Plan (Specific to the proposed project location):

<table>
<thead>
<tr>
<th>Current # of jobs at proposed project location or to be relocated at project location</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED - project the number of FTE and PT jobs to be RETAINED</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED - project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion</th>
<th>Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PT jobs to be created upon TWO Years after Project Completion **</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full time</td>
<td>30</td>
<td>30</td>
<td>3</td>
</tr>
<tr>
<td>Part time</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>30</td>
<td>3</td>
</tr>
</tbody>
</table>

** The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.

*** 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).

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

<table>
<thead>
<tr>
<th>Category of Jobs to be Retained and Created</th>
<th># of Employees Retained and Created</th>
<th>Average Salary for Full Time</th>
<th>Average Fringe Benefits for Full Time</th>
<th>Average Salary for Part Time (if applicable)</th>
<th>Average Fringe Benefits for Part Time (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td>5</td>
<td>$ 50,000</td>
<td>$ 10,000</td>
<td>$ 0</td>
<td>$ 0</td>
</tr>
<tr>
<td>Professional</td>
<td>5</td>
<td>$ 40,000</td>
<td>$ 8,000</td>
<td>$ 0</td>
<td>$ 0</td>
</tr>
<tr>
<td>Administrative</td>
<td>3</td>
<td>$ 30,000</td>
<td>$ 6,000</td>
<td>$ 0</td>
<td>$ 0</td>
</tr>
<tr>
<td>Production</td>
<td>20</td>
<td>$ 40,000</td>
<td>$ 8,000</td>
<td>$ 0</td>
<td>$ 0</td>
</tr>
<tr>
<td>Independent Contractor</td>
<td>0</td>
<td>$ 0</td>
<td>$ 0</td>
<td>$ 0</td>
<td>$ 0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>$ 0</td>
<td>$ 0</td>
<td>$ 0</td>
<td>$ 0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Address</th>
<th>Full time</th>
<th>Part time</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Will any of the facilities described above be closed or subject to reduced activity?
   No

Payroll Information
Annual Payroll at Proposed Project Site
   $ 1,340,000

Estimated average annual salary of jobs to be retained (Full Time)
   $ 40,000

Estimated average annual salary of jobs to be retained (Part Time)
   $ 0

Estimated average annual salary of jobs to be created (Full Time)
   $ 30,000

Estimated average annual salary of jobs to be created (Part Time)
   $ 0

Estimated salary range of jobs to be created
From (Full Time)   $ 30,000
               From (Part Time)   $ 0
               To (Full Time)   $ 30,000
               To (Part Time)   $ 0

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

What competitive factors led you to inquire about sites outside of New York State?

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

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

Do you anticipate applying for any other assistance for this project?
   Yes

If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)
   Energy Assistance through NYSEG
Section III: 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
Peter Tunkey

Address
125 Taylor Dr, Buffalo Materials Handling

Contact Person
Peter Tunkey

Phone
7168946370

Fax

E-Mail
info@bmhny.com

Federal ID #
272599404

SIC/NAICS Code
5084

Multi-Tenant Facility

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

Have any tenant leases been entered into for this project?
<BLANK>

If yes, please fill out a tenant form in section VII, for each tenant.

<table>
<thead>
<tr>
<th>Tenant Name</th>
<th>Current Address (city, state, zip)</th>
<th># of sq ft and % of total to be occupied at new project site</th>
<th>SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.</th>
</tr>
</thead>
</table>
Section IV: Tenant Information
Section V: Environmental Questionnaire

General Background Information

Address of Premises
125 Taylor Drive Depew, NY 14043

Name and Address of Owner of Premises
Peter Tunkey 50 Thames Ct Getzville, NY 14068

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)
Flat dry land immediately adjacent to existing building

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
Storage of industrial equipment such as industrial scrubbers and fork lifts.

Describe all known former uses of the Premises
None known

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

None

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 VI: 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.

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:

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?

Within New York State No

Within Erie County No

If Yes to either question, please, explain

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

No

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

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

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

<BLANK>

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

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

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

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

What is the age of the structure (in years)? 0

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) <BLANK>

If vacant, number of years vacant. 0

If underutilized, number of years underutilized. 0

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

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) <BLANK>

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

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

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Sq. Ft. Range Low to High</th>
<th>Rent Range Low to High</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>$</td>
</tr>
</tbody>
</table>

Does the site have historical significance? No

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

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)

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

Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments
Section VIII: Senior Citizen Rental Housing Projects

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

No

Has the project received written support from the city, town or village government in which it is located?

<BLANK>

Describe the location of the project as it relates to the project’s proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?

<BLANK>

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details.

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?

<BLANK>

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?

<BLANK>

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?

<BLANK>

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?

<BLANK>

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, call systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project’s return on investment?

<BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA 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)

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?

<BLANK>

If yes, please describe provide a narrative citing key facts that substantiate this finding.
Section IX: Retail Determination

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.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?  
0%
If the answer to this is less than 33% do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).
If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

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

Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?  
<BLANK>
If yes, please provide a third party market analysis or other documentation supporting your response.

Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?  
<BLANK>
If yes, please provide a market analysis supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?  
<BLANK>
If yes, explain

Is the project located in a Highly Distressed Area?  
<BLANK>
# Fedder Lofts, LLC
## $25,725,000
### INDUCEMENT RESOLUTION

<table>
<thead>
<tr>
<th><strong>Eligibility</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Company Incentives</strong></td>
<td>Fedder Lofts, LLC</td>
</tr>
<tr>
<td>• NAICS Section - 531110</td>
<td></td>
</tr>
<tr>
<td>• Approximately $875,000 in sales tax savings</td>
<td></td>
</tr>
<tr>
<td>• Up to 3/4 of 1% of the final mortgage amount estimated at $97,500</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Employment</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Current Jobs - 0</td>
<td></td>
</tr>
<tr>
<td>• Projected New Jobs - 2</td>
<td></td>
</tr>
<tr>
<td>• Total Jobs 2 Years After Project Completion - 2</td>
<td></td>
</tr>
<tr>
<td>• Annual payroll: $85,000</td>
<td></td>
</tr>
<tr>
<td>• Estimated salary of jobs to be created: $42,500</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Project History</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• 5/13/2019 - Public hearing held. Transcript attached.</td>
<td></td>
</tr>
<tr>
<td>• 6/26/2019 - Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA.</td>
<td></td>
</tr>
<tr>
<td>• 6/26/2019 - Lease/Leaseback Inducement Resolution presented to the Board of Directors</td>
<td></td>
</tr>
</tbody>
</table>

### Agency Request
A sales tax and mortgage recording tax exemption in connection with the adaptive reuse of a 130,000 sq. ft. facility.

- **Building Acquisition** $750,000
- **Infrastructure** $1,780,000
- **Renovation** $17,000,000
- **New Construction** $1,000,000
- **Non-Manufacturing Equipment** $20,000
- **Soft Costs/Other** $5,175,000

**Total Project Cost** $25,725,000

85% $21,866,250

### Company Description
Fedder Lofts, LLC is a joint venture between Eran Epstein and Colorado-based Chris Jacobs. The owners have been redeveloping properties for the past 20 years. Examples of projects undertaken have been the Washington Apartments at 501 Washington Street, the de-commissioned YWCA building at 245 North Street and the abandoned Mautner Jewelry Display Building at 937 Broadway. Jacobs has been active in the Boulder, CO community with ownership interests in both market rate and affordable units.

### Project Description
The project represents both a historic renovation and a brownfield cleanup project. The developers propose to adaptively re-use this 130,000 sq. ft. structure to provide a mixed use project consisting of 85 “naturally occurring” affordable living units and 20,000 sq. ft. devoted to a mini storage complex.

The developers are proposing offering rents at approximately 80% of the average median income. Historic and brownfield tax credits along with ECIDA sales tax and mortgage tax savings will assist in this endeavor. 50 1-BR units (950-1,100 sq. ft.) will be in the $950 - $1,200/month range and the 55 2-BR units (1,050 - 1,500 sq. ft.) will have a rent range of $1,100-$1,400/month.

The structure is over 100 years old and the facility, once home to the Fedco Corporation, has been vacant or significantly underutilized for the past 50 years.

The current owner of the building is delinquent on taxes and as part of the purchase contract, the seller will pay all full back taxes on the day of closing.

The building will be restored to historic standards and the site will be cleared of all contaminants. Sixty-five parking spaces are included in the reuse plan along with bike storage and parking.

The project has been accepted into the NYSDEC Brownfield Cleanup Program and will be restored to historic standards.
Retail Determination

<table>
<thead>
<tr>
<th>Use</th>
<th>Sq. Ft.</th>
<th>Cost</th>
<th>% of Project Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>110,000</td>
<td>$16,500,000</td>
<td>92%</td>
</tr>
<tr>
<td>Commercial</td>
<td>20,000</td>
<td>$1,500,000</td>
<td>8%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>130,000</td>
<td><strong>$18,000,000</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Since the retail component of the project represents 8% of the project cost, a signoff by the County is not required.

New Tax Revenue Estimated

<table>
<thead>
<tr>
<th>Current Yearly Taxes</th>
<th>Estimated New Assessed Value</th>
<th>Additional County Revenue over 485-a abatement period</th>
<th>Additional Local Revenue Over 485-a abatement period</th>
<th>New Yearly Taxes Upon Expiration of Abatement Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,250</td>
<td>$12,000,000</td>
<td>$1,055,000</td>
<td>$677,000</td>
<td>$426,000</td>
</tr>
<tr>
<td>Combined Tax Rate:</td>
<td>$35.50</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Draft Recapture Material Terms

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount. Total project amount = $25,725,000 85% = $21,866,250</td>
</tr>
<tr>
<td>Employment</td>
<td>Same as recapture period</td>
<td>Create 85% of Projected Projected = 2 85% = Recapture Employment = 2</td>
</tr>
<tr>
<td>Local Labor</td>
<td>Construction period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Pay Equity</td>
<td>Same as recapture period</td>
<td>Adherence to Policy</td>
</tr>
<tr>
<td>Unpaid Tax</td>
<td>Same as recapture period</td>
<td>Adherence to Policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>2 years after project completion</td>
<td>State and Local Sales Taxes, Mortgage Tax</td>
</tr>
</tbody>
</table>

Recapture applies to:
State and Local Sales Taxes
Mortgage Recording Tax

Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has created 2 FTE jobs, iii) adherence to local labor policy during construction and iv) adherence to unpaid tax/pay equity policies for recapture term.
<table>
<thead>
<tr>
<th>Evaluative Criteria</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distressed Census Tracts</td>
<td>The property is located in census tract 55 which is considered highly distressed under the State statute. It is also surrounded by several other highly distressed tracts.</td>
</tr>
<tr>
<td>Age of Structure (must be at least 20 years old and present functional challenges to redevelopment)</td>
<td>The buildings were constructed in the early 1900's.</td>
</tr>
<tr>
<td>Structure has been vacant or underutilized for a minimum of 3 years (defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended). Project promotes elimination of slum and blight</td>
<td>The building has been substantially vacant for 50 years. The investment of over $25,000,000 into this distressed area of the City will help to promote the elimination of slum and blight in the neighborhood.</td>
</tr>
<tr>
<td>Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class.</td>
<td>Since the facility is vacant, no income is being generated.</td>
</tr>
<tr>
<td>Redevelopment Supports or aligns with Regional or Local Development Plans</td>
<td>The project complies with the investment and growth criteria of the Framework for Regional Growth.</td>
</tr>
<tr>
<td>Environmental or Safety Issues.</td>
<td>Due to the structure's age, the entire building needs reinforcing and any contaminants will be eliminated to BCP standards. All new safety systems, including mechanical, electrical and plumbing will be to current code standards.</td>
</tr>
<tr>
<td>LEED/Renewable resources</td>
<td>NA</td>
</tr>
<tr>
<td>Building or site has historic designation</td>
<td>The developer is working with SHPO on this redevelopment project.</td>
</tr>
<tr>
<td>Site or structure has delinquent or other local taxes</td>
<td>The current owner of the building is delinquent on taxes and as part of the Fedders purchase, the seller will pay in full all back taxes on the day of closing.</td>
</tr>
<tr>
<td>MBE/WBE utilization</td>
<td>Both construction management firms under consideration have worked on state and federal contracts with M/WBE hiring goals in the past and will reach out to M/WBE trades as part of the bidding process for this project.</td>
</tr>
<tr>
<td>Demonstrated support of local gov't.</td>
<td>The City Planning Board has approved the project. Mayor Brown has supplied a letter of support for the project.</td>
</tr>
<tr>
<td>Project/developer's return on investment</td>
<td>The developer has supplied an ROI which indicates a below average rate of return on the investment.</td>
</tr>
<tr>
<td>Impediments to conventionally financing project.</td>
<td>The total cost to renovate an aging building such as this in a way that fits into the City of Buffalo and SHPO requirements is very high. In order to bring the property back into current uses, additional funds need to be expended in stabilization and compliance with current building code compliance.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Transit oriented development</td>
<td>The facility is accessible on the 5 and 3 bus lines.</td>
</tr>
</tbody>
</table>
June 26, 2019
PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits** and Percentage of Project Costs financed from Public Sector sources

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

PILOT Estimate Table Worksheet-Fedders Lofts, LLC - 2019

<table>
<thead>
<tr>
<th>Dollar Value of New Construction and Renovation Costs</th>
<th>Estimated New Assessed Value of Property Subject to IDA*</th>
<th>County Tax Rate/1000</th>
<th>Local Tax Rate (Town/City/Village)/1000</th>
<th>School Tax Rate/1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>$18,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Apply equalization rate to value

N/A

<table>
<thead>
<tr>
<th>PILOT Year</th>
<th>% Payment</th>
<th>County PILOT Amount</th>
<th>Local PILOT Amount</th>
<th>School PILOT Amount</th>
<th>Total PILOT</th>
<th>Full Tax Payment w/o PILOT</th>
<th>Net Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>Estimated Value of PILOT</th>
<th>Estimated Value of Sales Tax Incentive</th>
<th>Estimated Value of Mortgage Tax Incentive</th>
<th>Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,725,000</td>
<td>$0</td>
<td>$875,000</td>
<td>$97,500</td>
<td>$12,200,000</td>
</tr>
</tbody>
</table>

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 51.2 %
Internal Report: Fedder Lofts, LLC - Fedder Lofts, LLC

Table 1: Basic Information

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Fedder Lofts, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Industry</td>
<td>(531) Real Estate</td>
</tr>
<tr>
<td>Municipality</td>
<td>Buffalo City</td>
</tr>
<tr>
<td>School District</td>
<td>Buffalo</td>
</tr>
<tr>
<td>Project Cost</td>
<td>$25,725,000</td>
</tr>
<tr>
<td>Construction Budget</td>
<td>$19,780,000</td>
</tr>
<tr>
<td>Direct Employment Expected</td>
<td>2</td>
</tr>
<tr>
<td>Direct Labor Income</td>
<td>$85,000</td>
</tr>
<tr>
<td>Direct Construction Jobs</td>
<td>145</td>
</tr>
<tr>
<td>Direct Construction Labor Income</td>
<td>$7,601,942</td>
</tr>
<tr>
<td>Total Labor Income</td>
<td>$7,686,942</td>
</tr>
</tbody>
</table>

Table 2: Estimated State & Regional Benefits*

<table>
<thead>
<tr>
<th>Region</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Property Tax Revenue (PILOT or Improvements)</td>
<td>$3,191,825</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$166,678</td>
</tr>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Income Tax Revenue</td>
<td>$456,995</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$140,360</td>
</tr>
<tr>
<td><strong>TOTAL Estimated Revenue</strong></td>
<td><strong>$3,955,858</strong></td>
</tr>
</tbody>
</table>

Table 3: Estimated Project Incentives*

| Project Tax Savings                | $0                   |
| Sales Tax Savings                  | $867,125             |
| Mortgage Tax Savings               | $97,500              |
| **TOTAL Estimated Incentives**     | **$964,625**         |
### Table 4: Employment Breakdown

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct**</td>
<td>2</td>
</tr>
<tr>
<td>Indirect***</td>
<td>2</td>
</tr>
<tr>
<td>Induced****</td>
<td>1</td>
</tr>
<tr>
<td>Construction</td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td>145</td>
</tr>
<tr>
<td>Indirect</td>
<td>52</td>
</tr>
</tbody>
</table>

### Table 5: Ratios

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit to Cost Ratio</td>
<td>4.1:1</td>
</tr>
<tr>
<td>Overall ROI</td>
<td>17.1:1</td>
</tr>
</tbody>
</table>

* Figures over 10 years and discounted by 3.49%
** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.
*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.
**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

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PUBLIC HEARING SCRIPT

Fedder Lofts, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf Project

Public Hearing to be held on May 13, 2019 at 9:00 a.m.
at the Erie County Industrial Development Agency’s office located at
95 Perry Street, Suite 403, Buffalo, New York 14203

ATTENDANCE:

Eran Epstein – Fedder Lofts

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing.

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Fedder Lofts, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Friday, May 3, 2019.

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

Hearing Officer: The proposed project in the historic Black Rock Neighborhood (the “Project”) consists of: (i) two (2) parcels of land (2.6+/- acres) located at 57 and 71 Tonawanda Street in the City of Buffalo, Erie County, New York, (the “Land”) improved with four (4) existing connected 4-story buildings, previously known as Fedders Manufacturing Works, containing 135,000+/- SF (the “Existing Improvements”), (ii) the renovation, upgrading and equipping of the Existing Improvements thereon into a mixed-use project consisting of 85 one- and two-bedroom apartments, 20,000+/- SF of public storage; 65 parking spaces, 20 bike parking spaces, indoor bike storage, and access to the adjacent bike path and Scajaquada Creek (the “Improvements”), and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible
personal property (the "Equipment", and collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

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

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

Hearing Officer: All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203 until the comment period closes on June 25, 2019. There are no limitations on written comments.

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

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

Eran Epstein – I am co-owner of Fedder Lofts, LLC. We are seeking to convert 57 Tonawanda Street into 80 apartments and 25,000 sq. ft. of mini storage space. We are hoping to receive ECIDA assistance in order to provide more affordable units to the Erie County Community.

6. ADJOURNMENT:

As there were no further comments, the Hearing Officer closed the public hearing at 9:15 a.m.
**SIGN IN SHEET**
**PUBLIC HEARING**

May 13, 2019, at 9:00 a.m.
at the Erie County Industrial Development Agency’s offices located at
95 Perry Street, Suite 403, Buffalo, New York 14203
regarding:

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

Project Location: 57 and 71 Tonawanda Street, Buffalo, New York 14207

<table>
<thead>
<tr>
<th>Name</th>
<th>Company and/or Address</th>
<th>X box to speak/comment</th>
</tr>
</thead>
</table>
| Eran Epstein  | Fedder Lofts, LLC
950 Delaware Avenue
Buffalo, New York 14209                 | X                      |
May 15, 2019

Mr. Steven W. Weathers
Chief Executive Officer
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, NY 14203

Re: Fedder Lofts, LLC
Fedder Lofts

Dear Mr. Weathers:

The City of Buffalo supports Fedder Lofts, LLC’s application to the Erie County Industrial Development Agency to rehabilitate the former Fedco plant at 57 Tonawanda Street in Buffalo. We believe that the Fedder lofts project will strengthen Buffalo’s appeal to residents, and provide additional residential options within the city.

As Buffalo continues to thrive and prosper it is essential that there is development that is beneficial to everyone in the City, no matter their economic status. Fedder Lofts, LLC has a history of providing high quality, naturally occurring affordable units within the City of Buffalo and this project is no different. Fedder Lofts will renovate the 135,000 square foot historic structure into 85 apartments and approximately 20,000 square feet of public mini storage.

This project will provide residents with quality loft style apartments while keeping rental rates affordable, and is a welcomed addition to the impressive revitalization efforts that continue to propel Buffalo into a new era of development.

Sincerely,

Byron W. Brown
Mayor
**Short Environmental Assessment Form**

**Part 1 - Project Information**

**Instructions for Completing**

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<table>
<thead>
<tr>
<th>Part 1 - Project and Sponsor Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fedder Lofts, LLC</td>
</tr>
<tr>
<td>Name of Action or Project:</td>
</tr>
<tr>
<td>Fedder Lofts</td>
</tr>
<tr>
<td>Project Location (describe, and attach a location map):</td>
</tr>
<tr>
<td>57 - 71 Tonawanda Street Buffalo, NY</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
</tr>
<tr>
<td>These properties are located in a Brownfield Opportunity Area (BOA) - the City of Buffalo Tonawanda Street Corridor BOA - which has completed the nomination stage of the BOA process. The anticipated planned use of the property is an adaptive re-use to provide apartments and self storage units. It is intended to provide 80 apartment units and 21,000 s.f. of storage units. This planned re-use fits within the land use described in the BOA nomination document as well as the City Zoning for an N-FS.</td>
</tr>
</tbody>
</table>

| Name of Applicant or Sponsor:            |
| Eran Epstein                             |
| Telephone: 716-200-1700                   |
| E-Mail: eran@live.com                     |
| Address:                                 |
| 950 Delaware Ave.                         |
| City/PO:                                 |
| Buffalo                                  |
| State: NY                                |
| Zip Code: 14209                           |

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.  
   **NO** □ YES □

2. Does the proposed action require a permit, approval or funding from any other governmental agency?  
   If Yes, list agency(s) name and permit or approval:  
   **YES** □

3a. Total acreage of the site of the proposed action?  
   □ 2.597 acres  
   □ 0 acres  
   □ 2.597 acres  
   b. Total acreage to be physically disturbed?  
   □ 0 acres  
   □ Residential (suburban)  
   □ Urban  
   □ Other (specify):

4. Check all land uses that occur on, adjoining and near the proposed action.  
   □ Urban  □ Rural (non-agriculture)  □ Industrial  □ Commercial  □ Residential (suburban)  
   □ Forest  □ Agriculture  □ Aquatic  □ Other (specify):

Page 1 of 3
5. Is the proposed action,
   a. A permitted use under the zoning regulations?  
      □ NO  □ YES  □ N/A
   b. Consistent with the adopted comprehensive plan?  
      □ NO  □ YES  □ N/A

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  
   □ NO  □ YES  □ N/A

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify:  
   □ NO  □ YES  □ N/A

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
      □ NO  □ YES  □ N/A
   b. Are public transportation service(s) available at or near the site of the proposed action?  
      □ NO  □ YES  □ N/A
   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  
      □ NO  □ YES  □ N/A

9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies:  
   □ NO  □ YES

10. Will the proposed action connect to an existing public/private water supply?  
    If No, describe method for providing potable water:  
    □ NO  □ YES

11. Will the proposed action connect to existing wastewater utilities?  
    If No, describe method for providing wastewater treatment:  
    □ NO  □ YES

12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  
      □ NO  □ YES  □ N/A
   b. Is the proposed action located in an archaeological sensitive area?  
      □ NO  □ YES  □ N/A

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
      □ NO  □ YES
   b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
      If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  
      □ NO  □ YES

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:  
    □ Shoreline  □ Forest  □ Agricultural/grasslands  □ Early mid-successional  
    □ Wetland  □ Urban  □ Suburban  

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?  
    □ NO  □ YES

16. Is the project site located in the 100 year flood plain?  
    □ NO  □ YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
    If Yes,  
    a. Will storm water discharges flow to adjacent properties?  
       □ NO  □ YES
    b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
       If Yes, briefly describe:  
       □ NO  □ YES

Storm water will be discharged into the City of Buffalo Sewer System.
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?
If Yes, explain purpose and size: ________________________

[ □ ] NO  [ □ ] YES

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe: ________________________

[ □ ] NO  [ □ ] YES

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:
The Fedders Automotive Components site was assigned a Classification 3, which means that consequential amounts of hazardous waste were disposed at the site, but not a significant threat. Remediation will result in delisting from the registry.

[ □ ] NO  [ □ ] YES

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Michael Berger
Date: 02-19-19
Signature: [Signature]

Page 3 of 3


**Short Environmental Assessment Form**

**Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

<table>
<thead>
<tr>
<th></th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>2. Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>7. Will the proposed action impact existing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. public / private water supplies?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>b. public / private wastewater treatment utilities?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>11. Will the proposed action create a hazard to environmental resources or human health?</td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>
Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

ERIE COUNTY
Name of Lead Agency

Karen M. Fiala 6-26-19
Print or Type Name of Responsible Officer in Lead Agency

Asst. Treasurer
Title of Responsible Officer

Karen M. Fiala
Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)
Section I: Applicant Background Information

**Applicant Information - Company Receiving Benefit**

<table>
<thead>
<tr>
<th><strong>Field</strong></th>
<th><strong>Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Name</strong></td>
<td>Fedder Lofts</td>
</tr>
<tr>
<td><strong>Applicant Name</strong></td>
<td>Fedder Lofts, LLC</td>
</tr>
<tr>
<td><strong>Applicant Address</strong></td>
<td>950 Delaware Avenue</td>
</tr>
<tr>
<td><strong>Applicant City</strong></td>
<td>Buffalo</td>
</tr>
<tr>
<td><strong>Applicant State</strong></td>
<td>New York</td>
</tr>
<tr>
<td><strong>Applicant Zip</strong></td>
<td>14209</td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td>716-200-1700</td>
</tr>
<tr>
<td><strong>Fax</strong></td>
<td>212-656-1210</td>
</tr>
<tr>
<td><strong>E-mail</strong></td>
<td><a href="mailto:eran@live716.com">eran@live716.com</a></td>
</tr>
<tr>
<td><strong>Website</strong></td>
<td><a href="http://www.escllc.com">www.escllc.com</a></td>
</tr>
<tr>
<td><strong>Federal ID#</strong></td>
<td>834172634</td>
</tr>
<tr>
<td><strong>NAICS Code</strong></td>
<td>531110</td>
</tr>
<tr>
<td><strong>Will a Real Estate Holding Company be utilized to own the Project property/facility?</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>What is the name of the Real Estate Holding Company?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Federal ID#</strong></td>
<td></td>
</tr>
<tr>
<td><strong>State and Year of Incorporation/Organization</strong></td>
<td></td>
</tr>
<tr>
<td><strong>List of stockholders, members, or partners of Real Estate Holding Company</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Individual Completing Application**

<table>
<thead>
<tr>
<th><strong>Field</strong></th>
<th><strong>Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
<td>Eran Epstein</td>
</tr>
<tr>
<td><strong>Title</strong></td>
<td>Managing Member</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>950 Delaware Avenue</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>Buffalo</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td>New York</td>
</tr>
<tr>
<td><strong>Zip</strong></td>
<td>14209</td>
</tr>
</tbody>
</table>
Phone 717-200-1700
Fax 212-656-1210
E-Mail eran@live716.com
Company Contact (if different from individual completing application)

Name
Title
Address
Address 2
City
State
Zip
Phone
Fax
E-Mail

Company Counsel

Name of Attorney  Jason Yots
Firm Name  Borelli and Yots
Address  14 Franklin Street, Suite 813
Address 2
City  Rochester
State  New York
Zip  14604
Phone  (585) 454-1905
Fax  (585) 492.6136
E-Mail  jasonyots@borrelliyots.com

Identify the assistance being requested of the Agency

Exemption from Sales Tax  Yes
Exemption from Mortgage Tax  Yes
Exemption from Real Property Tax  No
Tax Exempt Financing*  No
* (typically for not-for-profits & small qualified manufacturers)

Business Organization

Type of Business  Limited Liability Company
Type of Ownership
Year Established  2019
State of Organization  New York

List all stockholders, members, or partners with % of ownership greater than 20%
Please include name and % of ownership.

Eran Epstein - 50% Chris Jacobs - 50%
Applicant Business Description

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility.

Fedder Lofts, LLC is a joint venture between Eran Epstein and Colorado-based Chris Jacobs. The company is proposing to convert the abandoned Fedco plant on 57 Tonawanda Street into 85 naturally occurring affordable units and 20,000 square feet of mini storage. Epstein and Jacobs have been redeveloping real estate for close to 20 years. Epstein has redeveloped the Washington Apartments at 501 Washington Street, the de-commissioned YWCA building at 245 North Street and the abandoned Mauntner Jewelry Display Building at 937 Broadway. Jacobs as been active in the Boulder development community with an ownership portfolio that includes about 200 market-rate apartments with another 350 under construction and on the affordable side, Element owns 300 apartments with another 83 currently under construction.

Estimated % of sales within Erie County 100
Estimated % of sales outside Erie County but within New York State 0
Estimated % of sales outside New York State but within the U.S. 0
Estimated % of sales outside the U.S. 0

(*Percentage to equal 100%)

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases.

100
Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations
Buffalo

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

In which Municipality will the proposed project be located
Buffalo

Address
57 Tonawanda Street, Buffalo NY 14027

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 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 Retail Section of this application)

SBL Number for Property upon which proposed Project will be located
88.50-1-8.21, 88.50-1-8.11

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

Assessed value of land
66,000

Assessed value of building(s)
84,000

Are Real Property Taxes current?
No

If no please explain
Current owner is delinquent on his taxes. As part of the purchase contract, Seller will pay in full all back taxes on the day of closing. Project sponsor, Fedder Lofts, LLC, and its affiliates do not owe any back taxes.

Town/City/Village of Project Site
Buffalo

School District of Project Site
Buffalo

Does the Applicant or any related entity currently hold fee title to the Project site?
No

If No, Indicate name of present owner of the Project Site
Black Rock Trade Center Inc,

Does Applicant or related entity have an option/contract to purchase the Project site?
Yes

Describe the present use of the Proposed Project site
https://www.ecidary.com/app/tax-incentive-application-2014/print/841
Abandoned/Vacant industrial building

Please provide narrative of the proposed project and the purpose of the proposed project (new build, renovations, 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 applicant will renovate the 135,000 square foot building to historic standards and will clean up the site from contaminants. The building will be renovated into 85 apartments and approximately 20,000 square feet of public mini storage. There will be 65 parking spaces, bike parking, indoor bike storage and access to the adjacent bike path and creek.

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 how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. 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 assistance is needed in order to provide quality units at affordable rents. Due to the extensive deterioration in the building from years of neglect, the costs to remediate and construct units is high. The project will require extensive masonry repair, new electrical, plumbing, heating and fire suppression systems, as well as a complete interior, build out to current health and safety standards. With the assistance of the Agency, the applicant will be able to provide units at moderate rents compared to the recently completed project in the area.

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

No

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

The project sponsors will not able to keep the rents as affordable as projected/desired.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

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

Yes

Describe the present zoning/land use

The project meets all current zoning and has been granted major site plan approval from the City of Buffalo Planning board on 3/25/2019.

Describe required zoning/land use, if different

If a change in zoning/land use is required, please 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

If yes, please explain

The project is working with DEC through the NYS Brownfield project to clean up the site.

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

Yes

If yes, please provide a copy.

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

Yes
If yes, please provide copies of the study.

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

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, please explain.

**What percentage of annual operating expenses are attributed to the above referenced research and development activities?**

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all end uses as identified below.

**Retail Sales** Yes  **Services** Yes

For purposes of this question, 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.

**No Manufacturing**
**No Acquisition of Existing Facility**
**Yes Housing**
**No Equipment Purchase**

**Yes Multi-Tenant**
**Yes Commercial**
**No Back Office**
**Yes Retail**

**Yes Mixed Use**
**No Facility for the Aging**
**No Civic Facility (not for profit)**
**No Other**
Project Information

Estimated costs in connection with project

Land and/or Building Acquisition

$ 750,000 130,000 square feet 3 acres

New Building Construction

$ 0 square feet

New Building addition(s)

$ 0 square feet

Infrastructure Work

$ 1,780,000

Renovation

$ 18,000,000 110,000 square feet

Manufacturing Equipment

$ 0

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

$ 20,000

Soft Costs: (professional services, etc.)

$ 5,175,000

Other Cost

$ 0

Explain Other Costs

Total Cost

$ 25,725,000

Project Refinancing; estimated amount (for refinancing of existing debt only)

$ 0

Have any of the above costs been paid or incurred as of the date of this Application?

Yes

If Yes, describe particulars:

$100,000 in option fees, engineering, legal and architectural.

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):

$ 525,000

Bank Financing:

$ 13,000,000

Tax Exempt Bond Issuance (if applicable):

$ 0

Taxable Bond Issuance (if applicable):

$ 0

Public Sources (Include sum total of all state and federal grants and tax credits):
$ 12,200,000

Identify each state and federal grant/credit:
Brownfield Tax Credit: $4,800,000 Historic Tax Credit: $7,400,000

Total Sources of Funds for Project Costs:
$25,725,000

Has a financing preapproval letter or loan commitment letter been obtained?
Yes

Mortgage Recording Tax Exemption Benefit:
Estimated Mortgage Amount (Sum total of all financing – construction and bridge).
*Amount of mortgage, if any, that would be subject to mortgage recording tax.
$ 13,000,000

Lender Name, if Known
CPC

Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):
$97,500

Construction Cost Breakdown:
Total Cost of Construction
$ 18,000,000

Cost for materials
$ 10,000,000

% sourced in Erie County
100%

% sourced in State
100% (including Erie County)

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
$ 10,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):
$ 875,000

Real Property Tax Benefit:
Identify and describe if the Project will utilize a real property tax exemption benefit OTHER THAN the Agency’s PILOT benefit:
485A

For proposed facility please include # of sq ft for each of the uses outlined below

<table>
<thead>
<tr>
<th>Manufacturing/Processing</th>
<th>Cost (square feet)</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse</td>
<td>$ 0</td>
<td>0</td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>$ 0</td>
<td>0</td>
</tr>
<tr>
<td>Commercial</td>
<td>$ 0</td>
<td>0</td>
</tr>
<tr>
<td>Retail</td>
<td>$ 0</td>
<td>0</td>
</tr>
</tbody>
</table>
If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

No

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

<BLANK>

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

Will project result in significant utility infrastructure cost or uses

Yes

What is your project timetable (Provide dates)

Start date: acquisition of equipment or construction of facilities

7/15/2019

End date: Estimated completion date of project

12/20/2020

Project occupancy: estimated starting date of operations

12/1/2020

Have construction contracts been signed?

No

Have site plans been submitted to the appropriate planning department for approval?

Yes

Has the Project received site plan approval from the appropriate planning department?

Yes

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Employment Plan (Specific to the proposed project location):

<table>
<thead>
<tr>
<th>Current # of jobs at proposed project location or to be relocated at project location</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED — project the number of FTE and PT jobs to be RETAINED</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED — project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Part time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

** The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be created upon TWO years after Project Completion.

https://www.ecidany.com/app/tax-incentive-application-2014/print/841
filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. 

***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).

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

<table>
<thead>
<tr>
<th>Category of Jobs to be Retained and Created</th>
<th># of Employees Retained and Created</th>
<th>Average Salary for Full Time</th>
<th>Average Fringe Benefits for Full Time</th>
<th>Average Salary for Part Time (if applicable)</th>
<th>Average Fringe Benefits for Part Time (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td>1</td>
<td>$50,000</td>
<td>$5,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Professional</td>
<td>1</td>
<td>$35,000</td>
<td>$5,000</td>
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<tr>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Production</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Independent Contractor</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Address</th>
<th>Full time</th>
<th>Part time</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Full time</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Part time</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Will any of the facilities described above be closed or subject to reduced activity?
No

Payroll Information

Annual Payroll at Proposed Project Site
$ 85,000

Estimated average annual salary of jobs to be retained (Full Time)
$ 0

Estimated average annual salary of jobs to be retained (Part Time)
$ 0

Estimated average annual salary of jobs to be created (Full Time)
$ 42,500

Estimated average annual salary of jobs to be created (Part Time)
$ 0

Estimated salary range of jobs to be created
From (Full Time) $ 35,000 To (Full Time) $ 50,000
From (Part Time) $ 0 To (Part Time) $ 0

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

What competitive factors led you to inquire about sites outside of New York State?

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

Do you anticipate applying for any other assistance for this project?
Yes
If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)
Historic tax credits, brownfield credits and 485A
Section III: Facility Type - Single or Multi Tenant

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

For Single Use Facility

<table>
<thead>
<tr>
<th>Occupant Name</th>
<th>Fedder Lofts LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>950 Delaware Avenue</td>
</tr>
<tr>
<td>Contact Person</td>
<td>Eran Epstein</td>
</tr>
<tr>
<td>Phone</td>
<td>716-200-1700 x703</td>
</tr>
<tr>
<td>Fax</td>
<td>212-656-1210</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:eran@live716.com">eran@live716.com</a></td>
</tr>
<tr>
<td>Federal ID #</td>
<td>83-4172634</td>
</tr>
<tr>
<td>SIC/NAICS Code</td>
<td>531110</td>
</tr>
</tbody>
</table>

Multi-Tenant Facility

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

Have any tenant leases been entered into for this project?
<BLANK>

If yes, please fill out a tenant form in section VII, for each tenant.

<table>
<thead>
<tr>
<th>Tenant Name</th>
<th>Current Address (city, state, zip)</th>
<th># of sq ft and % of total to be occupied at new project site</th>
<th>SIC or NAICS - also briefly describe type of business, products services, % of sales in Erie Co.</th>
</tr>
</thead>
</table>

https://www.ecidany.com/app/tax-incentive-application-2014/print/841 150 14/21
Section IV: Tenant Information
Section V: Environmental Questionnaire

General Background Information

Address of Premises 57 Tonawanda Street, Buffalo NY 14207
Name and Address of Owner of Premises Fedder Lofts, LLC 950 Delaware Avenue Buffalo, NY 14209
Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.) urban, building, parking lot adjacent to creek
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
1915 building, currently vacant
Describe all known former uses of the Premises Automotive radiators
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?
Yes
If yes, describe and attach any incident reports and the results of any investigations
Site is part of the DEC brownfield program
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

None

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

Building will be connected to the City of Buffalo sewer system.

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?

<BLANK>
If yes, attach a copy of each permit.

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

None

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

<BLANK>
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 VI: 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.

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:

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?
  Within New York State  No
  Within Erie County  No

If Yes to either question, please, explain

Will the project result in a relocation of an existing business operation from the City of Buffalo?
  No

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

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

If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?
  No

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

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

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

Are you applying for tax incentives under the Adaptive Reuse Program? Yes
What is the age of the structure (in years)? 104
Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended) Yes
If vacant, number of years vacant. 50
If underutilized, number of years underutilized. 50
Describe the use of the building during the time it has been underutilized: vacant
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) <BLANK>
If yes, please provide dollar amount of income being generated, if any $ vacant. no income
If apartments are planned in the facility, please indicate the following:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Sq. Ft. Range Low to High</th>
<th>Rent Range Low to High</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>50 950-1100</td>
<td>$950-1200</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>35 1050-1500</td>
<td>$1100-1400</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>$</td>
</tr>
</tbody>
</table>

Does the site have historical significance? Yes
Are you applying for either State/Federal Historical Tax Credit Programs? Yes
If yes, provide estimated value of tax credits $7,400,000

Briefly summarize the financial obstacles to development that this project faces without ECIDA or other public assistance.
Please provide the ECIDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)
The project is trying to keep rents as affordable as possible in order to provide new quality housing to the citizens of Buffalo that are 20-30% lower the recently completed projects in the area. Without the sales tax exemption, mortgage recording tax exemption and real estate tax exemption it will be hard to keep rents at our economical affordable rents. We have projected our rents to approximate the Erie County 80% AMI rents.

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 received a variance for the construction of mini storage on the ground floor and has received site plan approval

Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments

The project is located in a federal opportunity zone. This section of Buffalo has long been abandoned and is a blighted area. Not only will this redevelopment make sure that the back taxes on the building are paid, but the process will bring the vacant abandoned building back to life and back on the city and county's tax roll. As part of the restoration process, the building will be made structurally safe, it will be brought up to all current building and fire codes as well as making it an anchor in the redevelopment of the Niagara Corridor.
Section VIII: Senior Citizen Rental Housing Projects

Are you applying for tax incentives under the Senior Rental Housing policy?
  No

Has the project received written support from the city, town or village government in which it is located?
  Yes
Describe the location of the project as it relates to the project’s proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?
  Yes

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details.

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?
  Yes

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?
  No

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?
  Yes

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?
  No

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, call systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project’s return on investment?
  <BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA 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)

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?
  <BLANK>

If yes, please describe provide a narrative citing key facts that substantiate this finding.
Section IX: Retail Determination

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

If yes, complete the Retail Questionnaire Supplement below.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 8%

If the answer to this is less than 33% do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

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

Will the project be operated by a not-for-profit corporation? No

Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located? No

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

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

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

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

If yes, explain

- Construction jobs and operating jobs once construction is complete

Is the project located in a Highly Distressed Area? Yes
To: ECIDA Policy Committee  
From: John Cappellino  
Date: June 6, 2019  
Re: Fisher Price Recapture Options

Background

In June 2014, the ECIDA Board approved a sales tax benefit to Fisher Price in the amount of $568,000 to assist with the purchase of equipment and building systems.

Fisher Price received its sales tax benefit from 10/1/14 through 2/28/17. Fisher Price utilized a total of $430,756.17 in sales tax benefits in those four years. Fisher Price’s recapture period was in effect from 10/1/14 through 2/28/19 (two years after project completion).

As part of its material terms, Fisher Price was required to retain 750 employees. There were no job creation requirements. In September 2018, the ECIDA Board approved a two-tiered retention goal of 90 or 95 percent (depending on the number of employees a company has), however, the policy does not apply to Fisher Price because it permanently laid off employees.

Fisher Price was compliant with all employment retention requirements from 2014 through 2017. However, in 2018, Fisher Price had a four-quarter average of 667 employees. Accordingly, Fisher Price was 11% below its employment requirements in 2018.

Recapture Options

ECIDA staff offers the following recapture options for discussion with the Policy Committee.

Option #1 – Since Fisher Price was compliant with its employment requirements from 2014-2017 (four of the five years that the project was active), no recapture.

Option #2 – This option recaptures benefits based on the one year that Fisher Price was out of compliance. This option also takes into account Fisher Price’s 11 percent employment shortfall.

<table>
<thead>
<tr>
<th>Sales Tax Benefit Utilized</th>
<th>Required Employment</th>
<th>Fisher Price’s average 2018 employment (over the 4 quarters of 2018)</th>
<th>Percent shortfall for 2018 (667/750)</th>
<th>Recapture Amount ($430,756/5 years (length of benefit + two-year recapture period x 11% shortfall))</th>
</tr>
</thead>
<tbody>
<tr>
<td>$430,756</td>
<td>750</td>
<td>667</td>
<td>11%</td>
<td>$9,476</td>
</tr>
</tbody>
</table>

Option #3 – This option recaptures one year of benefits without considering Fisher Price’s 11 percent employment shortfall.

<table>
<thead>
<tr>
<th>Sales Tax Benefit Utilized</th>
<th>Required Employment</th>
<th>Fisher Price’s average 2018 employment (over the 4 quarters of 2018)</th>
<th>Recapture Amount ($430,756/5 years (length of benefit + two-year recapture period))</th>
</tr>
</thead>
<tbody>
<tr>
<td>$430,756</td>
<td>750</td>
<td>667</td>
<td>$86,151</td>
</tr>
</tbody>
</table>

95 Perry Street, Suite 403 • Buffalo, New York 14203 • ph. 716.856.6525 • fx. 716.856.6754 • www.ecidany.com
May 13, 2019

FAO: Ms. Dawn Boudreau

Subject: Fisher-Price Inc. – ECIDA Recapture Notice Response

Dear Ms. Boudreau:

I am writing to respond to your letter of May 3rd, 2019 in which you notified Fisher-Price, Inc. (the “Company”) that the Erie County Industrial Development Agency (the “Agency”) is initiating a proceeding (the “Proceeding”) to determine if there is a basis for the Agency to modify, terminate and/or recapture sales and use tax benefits received by the Company in connection with the project undertaken by it at our headquarters in East Aurora, New York (the “Project”). More specifically, I understand the proceeding arises from the inability of the Company to maintain/retain no less than 712.5 existing full time equivalent employees (the “Minimum FTE Amount”) during calendar year 2018.

In this letter I will attempt to more fully set forth the extent to which the Company met or was unable to meet the Minimum FTE Amount during the life of the Project and the principal cause of the Company’s inability to meet that standard in 2018. Additionally, I will also share with you some planned actions for 2019, which we hope the Agency’s Policy Committee and Board would consider favorably.

Project Period Employment

You will recall the Project covered a period of approximately twenty-seven (27) months commencing on September 12, 2014 and continuing through February 28, 2017 (the “Project Period”). The benefits received by the Company were limited to sales and use tax benefits received during the Project Period. In connection with the Project, the Company submitted annual employment reports to the Agency for the five calendar years consisting of 2014-2018. For the first four calendar years, the number of existing full time equivalent employees employed by the Company at the Project exceeded the Minimum FTE Amount. For the calendar year ending 2018, a year that fell outside of the Project Period and for which the Company received no tax benefits, the number of existing full time equivalent employees employed by the Company at the Project was approximately 7.5% less than Minimum FTE Amount. For your convenience, I have included a table to this letter showing annual figures of actual FTE for 2014-18 compared to the Minimum FTE Amount and the amount of tax benefits received for each such year.

Contributing Challenges: Global challenges in the Toy Industry

The inability of the Company to meet or exceed the Minimum FTE Amount for 2018 was principally caused by the loss of Toys ‘R’Us (“TRU”), which filed for bankruptcy on September 18, 2017. TRU was the Company’s largest customer, carrying most of the Company’s lines at retail. The failure of TRU had
a material adverse effect on the Company and other toy manufacturers across the globe and required the
Company and other manufacturers to reduce operating costs, including, unfortunately, employee head
count. For perspective, Toys R Us represented between 18% to 21% of the Global Fisher Price business
from 2014-2017. It should be noted that Mattel has been making significant structural changes to its
business given the new retail landscape across the global enterprise and while the Fisher Price Campus
was impacted by a reduction in force of 8%, the world wide reduction for Mattel was 22%. This significant
difference between the overall Mattel reductions and the unfortunate reductions taken at Fisher Price does
show a strong commitment to maintain a strong presence in WNY.

Planned Actions: Recent Action Regarding Employment

As our business continues to evolve and leverage the Fisher Price infant & preschool scale and expertise,
I recently made the decision to move two business units previously run out of California to our Fisher
Price headquarters in East Aurora. Specifically, the businesses of Thomas and Friends as well as all Infant
& Preschool Entertainment brands will move from Mattel’s HQ in El Segundo, California to the
Company’s headquarters in East Aurora. Because the movement of the brands will not include the transfer
of Mattel employees to East Aurora, we are currently in the process of adding at least 26 new FTE
positions on campus to support those brands. Most of the new positions will consist of professional roles
within our Product Development, Product Design, Brand Creative, Finance, Marketing and PR teams. As
you can see from these functional areas, these are significant jobs that should increase our East Aurora
payroll by at least $2mm/year on a run rate basis once staffed. We are reaching out to our former
employees to fill those positions where their skills and experience fit the opportunities and are hopeful
that some of these positions will be filled by former employees. But we also believe that given the unique
expertise of toy design & marketing, many of these roles will require candidates from outside the Buffalo
area to relocate. These businesses, will add almost 30% more revenue to the Infant & Preschool division
and will be managed from East Aurora, further solidifying the position that the world’s best and largest
Infant and Preschool Toy Company resides right here in Western New York.

In addition to the above changes to our business, I would also like to highlight a robust and meaningful
summer internship program where 22 interns will join us in June. We will use our internship program
very strategically to feed our talent pipeline and future employment needs, continuing our investment in
the development in the future stewards of our proud brand. It should be noted that these interns typically
come from both local Buffalo area universities as well as schools from around the country.

Finally, and perhaps most importantly, with the addition of these two lines of business, I am excited to
share that we have received initial approval from Mattel to invest an additional $4.5M in upgrading our
Team Center on our East Aurora Campus. The intent is to create a World Class Design & Team Center
for the entire Infant & Preschool Division. Subject to final approval, we are hoping to start work in the
summer of 2019. Not only does this show commitment from our parent company Mattel to maintaining
a strong presence here in Western New York, but it also will create significant work opportunities for
many local companies involved in the upgrade.
Additional Considerations: Community Relationships

In closing, I would like to remind the Agency that the Company is deeply engaged in the community, and has established valued philanthropic partnerships with:

- Oshei Children’s Hospital;
- Explore and More Children’s Museum
- Ronald McDonald House;
- Foodbank of WNY;
- Journey’s end;
- Girls and Boys Club of Buffalo;
- Chip’s Palls (a Roswell Park and Bison partnership);
- Go Baby Go;
- United Way;
- News Neediest.
- And many smaller charities that reach children and families in need in our community.

We feel passionate about ensuring each child has an opportunity to play regardless of circumstance, and believe that play can truly make a difference in a meaningful way. Our commitment is not limited to only product and monetary donations but also volunteering opportunities for our employees to give back to the community we all live in and love.

The Company has a powerful heritage spanning over 89 years and we are extremely proud of our WNY & East Aurora roots. Our newly formed Community Engagement committee, led by our own employees, is currently planning our community engagement opportunities for 2019 and beyond.

Fisher-Price remains the number one brand in Infant Preschool globally and will now be the center for all Infant and Preschool development for Mattel going forward. We hope these moves, including the relocation of high paying roles to WNY and the launch of the next phase of investment in our East Aurora Campus gives you confidence that Fisher Price remains committed to being a big part of the business environment here in Buffalo and would appreciate the Policy Committee and Board’s consideration of the entire picture of the circumstances, both positive and negative, as it factors its decision related to the Proceeding.

Yours truly,

Chuck Scothon
SVP Fisher-Price & Global Head of Infant & Preschool
## Comparison of FPI Actual to Minimum FTE

<table>
<thead>
<tr>
<th></th>
<th>Start</th>
<th>End 2014</th>
<th>End 2015</th>
<th>End 2016</th>
<th>End 2017</th>
<th>End 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Time</td>
<td></td>
<td>797</td>
<td>705</td>
<td>666</td>
<td>665</td>
<td>593</td>
</tr>
<tr>
<td>PT (/2)</td>
<td>49.5</td>
<td>47</td>
<td>94.5</td>
<td>106.5</td>
<td>66</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>750</td>
<td>846.5</td>
<td>752</td>
<td>760.5</td>
<td>771.5</td>
<td>659</td>
</tr>
</tbody>
</table>

| Minimum FTE | -712.5 | -712.5 | -712.5 | -712.5 | -712.5 |
| % Over/Under| 134    | 39.5   | 48     | 59     | -53.5  |

| Minimum FTE | 18.80% | 5.54%  | 6.73%  | 8.28%  | -7.50% |

## Tax Savings by Project Year

<table>
<thead>
<tr>
<th></th>
<th>End 2014</th>
<th>End 2015</th>
<th>End 2016</th>
<th>End 2017</th>
<th>End 2018</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Save</td>
<td>$137,925.29</td>
<td>$219,890.34</td>
<td>$70,984.20</td>
<td>$1,956.34</td>
<td>$0.00</td>
<td>$430,756.17</td>
</tr>
</tbody>
</table>

Project Start Date: 9/12/14
Project Completion Date: 2/28/17
**Fisher Price**

$8,000,000

**INDUCEMENT RESOLUTION**

**Highlights**
- Eligibility: NAICS Section - 33 Manufacturing

**Company Incentives**
- Approximately $568,000 in sales tax benefits

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**Project Title:** Fisher Price

**Project Address:** 636 Girard Avenue, East Aurora, NY  
(East Aurora Union Free School District)

**SIC/NAICS:** 3944/339932

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**Agency Request**

The proposed project entails the purchase of non-production equipment including various building systems. The project is necessary to modernize the company's East Aurora operation and maintain its operational level.

**Renovations**  
$1,500,000

**Non-Manufacturing Equipment**  
$5,000,000

**Manufacturing Equipment**  
$1,200,000

**Soft Costs**  
$ 300,000

**Total**  
$8,000,000

---

**Company Description**

Fisher Price, Inc. is a manufacturer of toys and children’s products which are sold worldwide. The company was established in East Aurora in 1930. This location is the corporate headquarters and research and development center for the world’s leading brand of infant and preschool toys that enhance early childhood development. Fisher Price’s Play Lab was the first child research center of its kind in the toy industry. Fisher price is also a leading developer of baby gear products (nursery monitors, infant swings, high chairs) and character-based toys.

Although diminished in size, Fisher Price remains among the top non-governmental employers in Western New York with 750 people working at the the East Aurora plant. In 1997, the company was acquired by Mattel, Inc., a publicly traded company headquartered in El Segundo, California.

Assembly of toys is done at plants in China and Mexico.

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**Project Description**

The proposed project is necessary as it will enable the company to upgrade and modernize its buildings systems. IDA assistance in the form of a sales tax benefit over a 3-year period will augment the company’s capital budget proposed for the modernization of the facilities to aid the company in attracting and retaining new talent and will support research and development activities for new products for 2016 and beyond. The company will be acquiring and installing non-production equipment which includes a new phone system and office equipment as well as constructing renovations to the building.

---

**Project Incentives**

Sales tax savings of approximately $568,000

---

**Employment**

<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>750</td>
<td>750</td>
</tr>
</tbody>
</table>

---
Draft Material Terms

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount. Total project Amount = $8,000,000 85% = $6,800,000</td>
</tr>
<tr>
<td>Employment</td>
<td>See Recapture Period</td>
<td>Maintain 100% of base = 750</td>
</tr>
<tr>
<td>Local Labor</td>
<td>See Recapture Period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>The later of two years after project completion or termination of the Agent or Financial Assistance Agreement</td>
<td>Recapture of state and local sales taxes</td>
</tr>
</tbody>
</table>

Recapture

Pursuant to Section 875 of New York General Municipal Law, the agency may recover or recapture from the company any state sales tax and use tax exemption benefits taken by the company that are in violation of the GML.

In addition, it is the recommendation of the ECIDA’s Policy Committee to recapture the local share of sales tax.

At completion of project company must certify i) total investment amount equal to or greater than 85% of amount proposed ii) confirm that company has maintained 100% of its base employment and iii) confirm adherence to ECIDA local labor hiring policy.

Project History

5/29/2014Public Hearing Held. Transcript Attached
6/18/2014Inducement Resolution presented to Board of Directors authorizing adoption of a Negative Declaration in accordance with SEQRA.
6/18/2014Lease/Leaseback Inducement Resolution presented to Board.

Company History

3/1/1977$1,000,000 Lease closed
5/13/1996$17,000,000 Lease closed
4/06/2000$5,500,000 Lease closed
5/19/2003$8,322,000 Lease closed
5/29/2009$17,298,000 Lease closed
8/1/2010$10,000,000 Lease closed
## Application Title

Fisher-Price Tax Incentive Application

## Section I: Applicant Background Information

### Applicant Information - Company Receiving Benefit

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>8000000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name</td>
<td>Fisher-Price, Inc.</td>
</tr>
<tr>
<td>Applicant Address</td>
<td>636 Girard Avenue, East Aurora, NY 14052</td>
</tr>
<tr>
<td>Phone</td>
<td>716-687-3395</td>
</tr>
<tr>
<td>Fax</td>
<td>716-687-3150</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:Greg.Wilber@Fisher-Price.com">Greg.Wilber@Fisher-Price.com</a></td>
</tr>
<tr>
<td>Website</td>
<td><a href="http://www.Fisher-Price.com">www.Fisher-Price.com</a></td>
</tr>
<tr>
<td>Fed ID#</td>
<td>95-4506271</td>
</tr>
</tbody>
</table>

### Individual Completing Application

<table>
<thead>
<tr>
<th>Name</th>
<th>Fran Abrams</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Administrative Assistant</td>
</tr>
<tr>
<td>Address</td>
<td>Fisher-Price, Inc., 636 Girard Ave, East Aurora, NY 14052</td>
</tr>
<tr>
<td>Phone</td>
<td>716-687-3384</td>
</tr>
<tr>
<td>Fax</td>
<td>716-687-3333</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:Fran.Abrams@Fisher-Price.com">Fran.Abrams@Fisher-Price.com</a></td>
</tr>
</tbody>
</table>

### Company Contact (if different from individual completing application)

<table>
<thead>
<tr>
<th>Name</th>
<th>Greg Wilber</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Director Facilities</td>
</tr>
<tr>
<td>Address</td>
<td>Fisher-Price, Inc., 636 Girard Ave, East Aurora, NY 14052</td>
</tr>
<tr>
<td>Phone</td>
<td>716-687-3395</td>
</tr>
<tr>
<td>Fax</td>
<td>716-687-3150</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:Greg.Wilber@Fisher-Price.com">Greg.Wilber@Fisher-Price.com</a></td>
</tr>
</tbody>
</table>

### Company Counsel

<table>
<thead>
<tr>
<th>Name of Attorney</th>
<th>Martin J. Clifford</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm Name</td>
<td>Martin J. Clifford, Esq.</td>
</tr>
<tr>
<td>Address</td>
<td>716 Brisbane Building, 403 Main Street, Buffalo, NY 14203</td>
</tr>
<tr>
<td>Phone</td>
<td>716-845-0333</td>
</tr>
<tr>
<td>Fax</td>
<td>716-853-2892</td>
</tr>
</tbody>
</table>
E-Mail

mcliford@cliff-law.com
Identify the assistance being requested of the Agency

Exemption from Sales Tax  Yes
Tax Exempt Financing  No
Exemption from Mortgage Tax  No
Exemption from Real Property Tax  No
Assignment/Assumption of existing PILOT benefits  No

Business Organization
Type of Business  Corporation
Year Established  1930
State of Organization  Delaware

List all stockholders, members, or partners with % of ownership greater than 20%
Please include name and % of ownership.

Mattel, Inc. 100%

Business Description
Describe in detail company background, products, customers, goods and services

Fisher-Price, Inc., is a major manufacturer of toys and children's products sold worldwide. Established in East Aurora, New York, in 1930, Fisher-Price's customers are major U.S. retailers including Toys R Us, Wal-Mart, and Target.

Estimated % of sales within Erie County
Estimated % of sales outside Erie County but within New York State
Estimated % of sales outside New York State
Estimated % of sales outside the U.S.  40%

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? (You may be asked to provide supporting documentation of the estimated percentage of local purchases)

50%
Section II: Project Description & Details

Location of proposed project facility

Address: 636 Girard Avenue
City: East Aurora
State: New York
Zip Code: 14052
SBL Number: 165.13-1-1.120
Town/City/Village: Village of East Aurora; Town of Aurora
School District: East Aurora Union Free
Present Project Site Owner: Mattel, Inc.

Please provide a brief narrative of the project

The Project consists of the acquisition and installation of non-production machinery and equipment, along with office equipment and new phone system, building improvements and renovations; acquisition and installation of building systems; upgrades to parking lots and other site improvements; to modernize and refresh the facilities and enhance employment opportunities in Erie County.

Site Characteristics

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? (If yes, please provide copy)

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.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms

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

No

If yes, please attach additional documentation describing the efficiencies achieved.

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

Yes
If yes, please explain

Fishér-Price, East Aurora is the corporate headquarters and research and development center for the world's leading brand of infant and preschool toys that enhance early childhood development. Our Play Lab was the first child research center of its kind in the toy industry. Fishér-Price is also a leading developer of baby gear products (nursery monitors, infant swings, high chairs) and character-based toys.

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

>75%

Explain why IDA participation is necessary for this project to proceed. Focus on competitiveness issues, project shortfalls, etc.

ECIDA approval of the Fishér-Price project will augment the capital budget proposed for the modernization of the facilities to aid the Company in attracting and retaining new talent that includes creation of brand identification; continuous improvements to existing on-site services for other Mattel business units; demonstrating the ability to increase building capacity as needed; and most importantly, to support research and development activities for new products for 2016 and beyond.
Project Information

Estimated costs in connection with project

Land and/or Building $0

Acquisition

0.00 acres 0.00 square feet

New Building Construction $0

0.00 square feet

New Building addition(s) $0

0.00 square feet

Renovation $1,500,000

0.00 square feet

Manufacturing Equipment $1,200,000

Non-Manufacturing Equipment: (furniture, fixtures, etc.) $3,800,000

Soft Costs: (professional services, etc.) $300,000

Other Cost $1,200,000

Explain Other Costs Computer equipment

Total Cost $8,000,000

Project Refinancing (est. amount) $0

Select Project Type (check all that apply)

Yes Industrial

No Acquisition of Existing Facility

No Housing

Yes Equipment Purchase

No Multi-Tenant

No Commercial

No Back Office

No Retail

No Mixed Use

No Facility for the Aging

No Civic Facility (not for profit)

No Other

SIC Code 5092

NAICS Code

For proposed facility please include # of sq ft for each of the uses outlined below

<table>
<thead>
<tr>
<th>Use</th>
<th>Cost</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing/Processing</td>
<td>0 sq ft</td>
<td>0</td>
</tr>
<tr>
<td>Warehouse</td>
<td>0 sq ft</td>
<td>0</td>
</tr>
</tbody>
</table>
| Research & Development   | 210,000 sq ft | 60,000,000 100%
| Commercial               | 0 sq ft | 0               |
| Retail                   | 0 sq ft | 0               |
| Office                   | 0 sq ft | 0               |
| Specify Other            | 0 sq ft | 0               |

Utilities and services presently serving site. Provide name of utility provider

Gas IBT-National Fuel

Electric Hess-NYSEG

Water Village

Sewer Town

http://www.ecidany.com/app/tax-incentive-application/print/10345
Other (Specify)

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

No

If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box) <BLANK>
What is your project timetable (Provide dates)
Start date: acquisition of equipment
2014-07-01
End date: Estimated completion of project
2016-12-31
Project occupancy: estimated starting date of operations
2014-07-01

Have site plans been submitted to the appropriate planning department for approval?
No

Have any expenditures already been made by the company?
No

If yes, indicate particulars (ECIDA benefits do not apply to expenses incurred prior to Board approval)

Is project necessary to expand project employment?
No

Is project necessary to retain existing employment?
Yes

### Employment Plan (Specific to location):

<table>
<thead>
<tr>
<th></th>
<th>Current # of jobs at project location or to be relocated at project location</th>
<th>If project is to retain jobs, number of jobs to be retained</th>
<th>Total # of jobs 2 years after project completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full time</td>
<td>750</td>
<td>750</td>
<td>750</td>
</tr>
<tr>
<td>Part time</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>750</td>
<td>750</td>
<td>750</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Address</th>
<th>Full time</th>
<th>Part time</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Payroll Information

Annual payroll
0

Estimated average annual salary of jobs to be retained
60000

Average estimated annual salary of jobs to be created
0
Estimated salary range of jobs to be created
From 0 To 0

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

Were you offered financial assistance to locate outside of New York State?
No
If yes, from whom and what type of assistance was offered

What competitive factors led you to inquire about sites outside of New York State?

Have you contacted or been contacted by other economic or governmental agencies regarding this project?
No
If yes, please indicate the Agency and nature of inquiry below
Section III: Adaptive Reuse Projects

Are you applying for a tax incentive under the Adaptive Reuse Program?

No

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

0.00

If yes, number of years vacant?

0

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)

<BLANK>

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)

<BLANK>

Does the site have historical significance?

<BLANK>

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 (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rates compared to regional industrial averages)

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

Please indicate other factors that you would like the ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site or structure is presently delinquent in property tax payments
Section IV: Retail Determination

Will project involve the sales of goods or services to customers who personally visit the facility?

No
If yes, complete the Retail Questionnaire Supplement below.

Will any portion of the project consist of facilities or property that is primarily used in making sales of goods or services to customers who personally visit the project site?

<BLANK>
If the answer is yes, please continue.

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

0.00 %
If the answer to this is less than 33% do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

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

<BLANK>

Is the project likely to attract a significant number of visitors from outside the economic development region in which the project will be located?

<BLANK>
If yes, please provide a market analysis or other documentation supporting your response.

Would the project occupant, but for the contemplated financial assistance from the industrial development agency, locate the related jobs outside the State of New York?

<BLANK>
If yes, please provide documentation regarding investigation of sites outside New York State.

Is the predominant purpose of the project to make available goods or services which would not otherwise be reasonably accessible to the residents of the project municipality?

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

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

<BLANK>

Is the project located in a Neighborhood Redevelopment Area?

<BLANK>
Section V: Inter-Municipal Move Determination

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?

Within New York State  No
Within Erie County  No

If EITHER IS YES, please complete the following. If BOTH ARE NO, please 'save and continue' to the next section (Section VI: Facility Type - Single or Multi Tenant).

The Agency is required by state law to make a determination that Agency assistance is required to prevent the project occupant from relocating out of the state, or to preserve the project occupant's competitive position in its respective industry.

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

<BLANK>

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

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

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

<BLANK>

Is the project reasonably necessary to preserve the project occupant's competitive position in its industry?

<BLANK>

If yes, please explain and provide supporting documentation

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

What is going to happen to the current facility that project occupant is located in?

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

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

Single Use Facility

For Single Use Facility

<table>
<thead>
<tr>
<th>Occupant Name</th>
<th>FISHER-PRICE, INC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>636 GIRARD AVENUE</td>
</tr>
<tr>
<td>Contact Person</td>
<td>GREG WILBER</td>
</tr>
<tr>
<td>Phone</td>
<td>716-687-3395</td>
</tr>
<tr>
<td>Fax</td>
<td>716-687-3150</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:GREG.WILBER@FISHER-PRICE.COM">GREG.WILBER@FISHER-PRICE.COM</a></td>
</tr>
<tr>
<td>Federal ID #</td>
<td>95-4506271</td>
</tr>
<tr>
<td>SIC/NAICS Code</td>
<td>5092</td>
</tr>
</tbody>
</table>

Multi-Tenant Facility

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

Have any tenant leases been entered into for this project?

<BLANK>

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.
Section VII: Environmental Questionnaire

General Background Information
Address of Premises
FISHER-PRICE, INC. 636 GIRARD AVENUE EAST AURORA, NY 14052

Name and Address of Owner of Premises
MATTEL, INC. 333 CONTINENTAL BLVD. EL SEGUNDO, CA 90245

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)
Commercial property located within the Village of East Aurora; non-flood zone.

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
Research and development facility with office buildings dating from 1940's to 1996. Operations include administration, research and development, and marketing.

Describe all known former uses of the Premises
Early operations included production lines that assembled, packaged, and shipped toys from 1951 to 1991 then manufacturing was primarily moved to Murray, KY.

Does any person, firm or corporation other than the owner occupy the Premises or any part of it?
Yes
If yes, please identify them and describe their use of the property
East Aurora Community Nursery - Day care provider for infants and preschool children.

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

Environmental Service Group, Inc., Tonawanda, NY 14150

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

http://www.ecidny.com/app/tax-incentive-application/print/100345
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.

(1) Underground tank - Fuel Oil - 2,000 gallons
(1) Above ground tank - Diesel - 275 gallons
(1) Above ground tank - Diesel - 190 gallons

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.