



5226-5228 Main Street

[Instructions and Insurance Requirements Document](#)

Section I: Applicant Background Information

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

Applicant Information- Company Receiving Benefit

| | |
|----------------------------|--|
| Project Name | Mixed-Use Project- 5226-5228 Main Street |
| Project Summary | Demolition of all existing structures on-site and construction of a new 4-story mixed-use building with all related site improvements. The mixed-use project received Site Plan Approval from the Planning Board during its meeting on February 15, 2024 and the Planning Board also issued a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA"). |
| Applicant Name | 5226 Main, LLC |
| Applicant Address | 295 Main Street |
| Applicant Address 2 | Suite 700 |
| Applicant City | Buffalo |
| Applicant State | New York |
| Applicant Zip | 14203 |
| Phone | (716) 854-0060 |
| Fax | (716) 240-9780 |
| E-mail | jwassel@ellicottdevelopment.com |
| Website | https://www.ellicottdevelopment.com/ |
| NAICS Code | |

Business Organization

Type of Business
Limited Liability Company

Year Established
2019

State
New York

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

[No] Minority Owned
 [No] Woman Owned

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

[No] NYS Certified

[No] Erie Country Certified

Individual Completing Application

Name Jeremy Wassel
Title Planning & Development
Coordinator
Address 295 Main Street
Address 2 Suite 700
City Buffalo
State New York
Zip 14203
Phone (716) 854-0060
Fax (716) 240-9780
E-Mail jwassel@ellicottdevelopment.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name William A. Paladino
Title Manager
Address 295 Main Street
Address 2 Suite 700
City Buffalo
State New York
Zip 14203
Phone (716) 854-0060
Fax (716) 240-9780
E-Mail bpaladino@ellicottdevelopment.com

Company Counsel

Name of Attorney Sean Hopkins
Firm Name Hopkins Sorgi & McCarthy PLLLC
Address 5500 Main Street, Suite 343
Address 2
City Williamsville
State New York
Zip 14221
Phone (716) 510-4338
Fax
E-Mail shopkins@hsmlegal.com

Benefits Requested (select all that apply).

| | |
|---|-----|
| Exemption from Sales Tax | Yes |
| Exemption from Mortgage Tax | Yes |
| Exemption from Real Property Tax | Yes |
| Tax Exempt Financing* | No |

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

Applicant Business Description

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

5226 Main, LLC was formed on 7/1/2019. The company is 50% owned by 3348 Group, LLC and 50% owned by Castle & Mosey, LLC. 5226 Main, LLC has a management agreement with Ellicott Development Company, which provides management services to 5226-5228 Main, LLC, which is owned by the Applicant.

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

(*Percentage to equal 100%)

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

100

Describe vendors within Erie County for major purchases

Concrete, stone, lumber, steel, asphalt, landscaping, plants, metal panels, siding, brick, roofing, electrical supplies, plumbing supplies, heating & air conditioning supplies, elevator, metal studs, insulation, drywall, paint, wood, aluminum railings, wood fence, windows, doors, frames, kitchen cabinets, countertops, appliances, blinds, tile, and signage.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

5226-5228 Main Street

Town/City/Village of Project Site

Amherst

School District of Project Site

Amherst

Current Address (if different)

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

SBL Number(s) for proposed Project

80.08-7-9 and 80.08-7-10

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

14,662

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

Yes

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

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

No

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

The Project Site is currently comprised of a two 2-story commercial buildings that are vacant,, a barn and a garage.

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

The Applicant proposes to construct a 4-story mixed-use building totaling approximately 45,373 gross sq ft, which will feature 9,870 sq ft of 1st-floor commercial space and 30 market-rate apartments on the upper floors. The mixed-use building will also include a rooftop amenity space for the tenants and their guests. Various site improvements will include onsite parking, lighting, landscaping, a drainage system, upgraded utility improvements and connections, and a pedestrian pathway connecting from the Project Site to the Tops Plaza, which is located adjacent to the Project Site to the north. The project includes a workforce housing component that will consist of ten percent of the apartments that will be leased based on 80% of the AMI [currently \$1,300 per month for 1 bedroom units and \$1,500 per month for 2 bedroom units.]

Municipality or Municipalities of current operations

Amherst

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

Yes

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

No

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

No

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

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

No

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

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

No

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

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

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

See Narrative provided at Exhibit "2". The agency's financial assistance is necessary for the project to be economically feasible based on a wide range of reasons. The Project Site was purchased in 2017 prior to the COVID-19 pandemic. As a result of unforeseen changes in economic circumstances including increased construction and labor costs, and more rigorous lending requirements [greater required equity contribution], and drastically higher interest rates to Agency's assistance is essential. Additionally, given the enhanced building materials and improvements required per the Town's stringent Design Standards for projects located in the mixed-use districts created by the Town Board in 2019, the cost to construct the proposed mixed-use project is substantially higher on a per sq. ft. basis than a typical standalone commercial or multi-family project located in the Town of Amherst Furthermore, the updated zoning classification for the project site that was encouraged by the Town of Amherst precluded us from constructing additional floors that would've been permissible under the previous General Business ("GB") zoning classification that existed at the time the Applicant purchased the Project Site. The reduction in the permissible building height challenges projected returns and further reduces the economic viability of the mixed-use project. The assistance being sought from the Amherst IDA is essential for this mixed-use redevelopment project to be economically viable.

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

Yes

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

If the requested financial assistance being sought is not received, there will be negative impacts to the Applicant given it will not be able to successfully implement the mixed-use redevelopment per the Site Plan approved by the Planning Board on February 15, 2024 subsequent to the Town Board approving an amendment of the zoning classification from General Business District ("GB") to Traditional Infill 4 District ("TI-4") in order to accommodate the mixed-use redevelopment project. Additionally, if the mixed-use project does not occur, there will be negative fiscal impacts to taxing jurisdictions including Erie County, the Town of Amherst, and the School District since the annual property taxes with financial assistance in place from the IDA will be substantially greater than the current annual property taxes. The Applicant would not develop the Project Site as proposed aligning it with the Town of Amherst's Comprehensive Plan and it would likely remain in its current state for the foreseeable future.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

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

NFTA Bus Lines 48 & 66

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

Yes

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

Yes

Describe the present zoning/land use

Traditional Infill 4 District ("TI-4") per the decision issued by the Town Board on September 5, 2023.

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

Not Applicable.

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

No

If yes, please explain

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

No

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

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

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

No

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

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

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

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

Retail Sales Yes

Services Yes

Please check any and all end uses as identified below.

No Acquisition of Existing Facility No Assisted Living No Back Office

| | | |
|---|--------------------------|-------------------------------------|
| No Civic Facility (not for profit) | Yes Commercial | No Equipment Purchase |
| No Facility for the Aging | No Industrial | No Life Care Facility (CCRC) |
| Yes Market Rate Housing | Yes Mixed Use | Yes Multi-Tenant |
| Yes Retail | No Senior Housing | No Manufacturing |
| No Renewable Energy | No Other | |

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

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

| | | | Cost | % of Total Cost |
|-----------------------------------|--------------------|----|-------------|------------------------|
| Manufacturing/Processing | square feet | \$ | 0 | 0% |
| Warehouse | square feet | \$ | 0 | 0% |
| Research & Development | square feet | \$ | 0 | 0% |
| Commercial | 9,870 square feet | \$ | 2,779,013 | 24% |
| Retail | square feet | \$ | 0 | 0% |
| Office | square feet | \$ | 0 | 0% |
| Specify Other | 40,995 square feet | \$ | 8,800,208 | 76% |

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

No

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

<BLANK>

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

Will project result in significant utility infrastructure cost or uses Yes

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

7/1/2024

End date : Estimated completion date of project

9/1/2025

Project occupancy : estimated starting date of occupancy

9/1/2025

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 875,000 47,916 square feet 1 acres

2.) New Building Construction

\$ 9,231,448 45,373 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0 square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 0

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

\$ 0

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

\$ 1,472,773

9.) Other Cost

\$ 0

Explain Other Costs

Total Cost \$ 11,579,221

Construction Cost Breakdown:

| | |
|-----------------------------------|---|
| Total Cost of Construction | \$ 9,231,448 (sum of 2, 3, 4 and 6 in Project Information, above) |
| Cost of materials | \$ 0 |
| % sourced in Erie County | 100% |

Sales and Use Tax:

| | |
|---|--------------|
| Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit | \$ 5,800,000 |
| Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): | \$ 507,500 |

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

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

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

If Yes, describe particulars: Costs related to securing project approvals including design, legal, application fees and various studies.

Sources of Funds for Project Costs:

| | |
|--|--------------|
| Equity (excluding equity that is attributed to grants/tax credits): | \$ 2,894,805 |
| Bank Financing: | \$ 8,684,416 |
| Tax Exempt Bond Issuance (if applicable): | \$ 0 |
| Taxable Bond Issuance (if applicable): | \$ 0 |

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

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

Total Sources of Funds for Project Costs: \$11,579,221

Have you secured financing for the project? No

Mortgage Recording Tax Exemption Benefit:

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

Mortgage Amount (include sum total of construction/permanent/bridge financing). 8,684,416

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$65,133

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other): no

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

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

Is project necessary to expand project employment?

No

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

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

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

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

| | | | | |
|------------------|---|---|---|---|
| | | | | upon 24 months (2 years) after project completion ** |
| Full time | 0 | 0 | 1 | 0 |
| Part time | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 1 | |

If you estimated new job growth over the next 2 years, please provide a short description of how those estimates were calculated (i.e. jobs per square foot, new contracts/increased revenues, etc.)

Salary and Fringe Benefits for Jobs to be Retained and Created

| Job Categories | # of Full Time Employees retained and created | Average Salary for Full Time | Average Fringe Benefits for Full Time | # of Part Time Employees retained and created | Average Salary for Part Time | Average Fringe Benefits for Part Time |
|-------------------------------|--|-------------------------------------|--|--|-------------------------------------|--|
| Management | 0 | \$ 0 | \$ 0 | 0 | \$ 0 | \$ 0 |
| Professional | 0 | \$ 0 | \$ 0 | 0 | \$ 0 | \$ 0 |
| Administrative | 0 | \$ 0 | \$ 0 | 0 | \$ 0 | \$ 0 |
| Production | 0 | \$ 0 | \$ 0 | 0 | \$ 0 | \$ 0 |
| Independent Contractor | 0 | \$ 0 | \$ 0 | 0 | \$ 0 | \$ 0 |
| Other | 1 | \$ 35,360 | \$ 0 | 0 | \$ 0 | \$ 0 |
| Total | 1 | | | 0 | | |

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

No **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

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

| Address | | | |
|------------------|---|---|---|
| Full time | 0 | 0 | 0 |
| Part time | 0 | 0 | 0 |
| Total | 0 | 0 | 0 |

Payroll Information

Annual Payroll at Proposed Project Site upon completion

35,360

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)

35,360

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

0

Estimated salary range of jobs to be created

From (Full Time) 35,360 **To (Full Time)** 35,360

From (Part Time) 0

To (Part Time) 0

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

Address

Contact Person

Phone

Fax

E-Mail

Federal ID #

SIC/NAICS Code

SS

Section V: Retail Determination

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

Please answer the following:

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

Yes

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

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

24 %

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

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

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

<BLANK>

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

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

If yes, explain

Is the project located in a Highly Distressed Area?

<BLANK>

Section VI: Adaptive Reuse Projects

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

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

No

Section VII: Inter-Municipal Move Determination

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

Current Address

5226-5228 Main Street

City/Town

Amherst

State

New York

Zip Code

14221

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?

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 VIII: Senior Housing

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

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

No

Section IX: Tax Exempt Bonds

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

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

No