



## The Greens on Dodge

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

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

#### Applicant Information - Company Receiving Benefit

<b>Project Name</b>	The Greens on Dodge
<b>Project Summary</b>	The project consists of 108 multifamily units for lease and all related site improvements to be located on the 5.17-acre parcel at 468-496 Dodge Road. The proposed project also includes a workforce housing component that will consist of 20% of the residential units for lease.
<b>Applicant Name</b>	Greens on Dodge II LLC
<b>Applicant Address</b>	6465 Transit Rd Ste 100
<b>Applicant Address 2</b>	
<b>Applicant City</b>	East Amherst
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14051
<b>Phone</b>	(716) 471-2806
<b>Fax</b>	
<b>E-mail</b>	matt@thegreenorganization.com
<b>Website</b>	
<b>NAICS Code</b>	

#### Business Organization

##### **Type of Business**

Limited Liability Company

##### **Year Established**

2023

##### **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** Sean Hopkins  
**Title** Attorney  
**Address** 35 California Drive  
**Address 2** Suite 100  
**City** East Amherst  
**State** New York  
**Zip** 14051  
**Phone** (716) 510-4338  
**Fax**  
**E-Mail** mattt@thegreenorganization.com

Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** Yes

**Name**

**Title**

**Address**

**Address 2**

**City**

**State**

**Zip**

**Phone**

**Fax**

**E-Mail**

Company Counsel

**Name of Attorney** Sean Hopkins  
**Firm Name** Hopkins Sorgi & McCarthy PLLC  
**Address** 35 California Drive  
**Address 2** Suite 100  
**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%.**

The Green Organization has traditionally acquired existing apartment buildings. During the past several years, the company has constructed new apartment projects to meet the demand of the market for new residential units for lease in the Town. The Applicant entity is owned equally by Matthew Green and Bryan Green.

**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%)

**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?**

90

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

The Applicant predominantly utilizes local vendors such as 84 Lumber, Vastola heating and cooling, Brady electric, Engasser Concrete, Holler Excavating and many others.

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

### Project Location

**Address of Proposed Project Facility**

468-496 Dodge Road

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

Town of Amherst

**School District of Project Site**

Williamsville

**Current Address (if different)****Current Town/City/Village of Project Site (if different)****SBL Number(s) for proposed Project**

41.06-1-8.1

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

12,139

**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.)**

Vacant former nursery buildings.

**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 purpose of the proposed multifamily project is to redevelop the property at 468-480 Dodge Road ("Project Site") as a multifamily project consistent with the Site Plan depicting 108 units for lease including townhomes to be constructed along the Dodge Road frontage that will be suitable for UB faculty and graduate students.

**Municipality or Municipalities of current operations**

Town of 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 Project Narrative Attached as Exhibit "2".

**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?**

**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)**

**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**

The zoning classification of the Project Site is New Community District- General Commercial ("NCD-GC"). The Project Site consists of the vacant former Arbordale Nursery property. The project consists of 108 multifamily units for lease and the previously proposed 96-unit project received Site Plan Approval from the Planning Board on September 21, 2022.

**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?**

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

**If yes, describe the efficiencies achieved**

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

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

No

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

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

No

If yes, please describe.

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

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

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

<b>Retail Sales</b>	No	<b>Services</b>	No
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Please check any and all end uses as identified below.

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

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

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

		Cost	% of Total Cost
<b>Manufacturing/Processing</b>	square feet	\$ 0	0%

<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	square feet	\$	0	0%
<b>Specify Other</b>	115,584 square feet	\$	25,283,537	100%

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**

1/1/2026

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

7/20/2027

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

1/15/2027

Capital Project Plan / Budget

**Estimated costs in connection with Project**

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

\$ 1,550,000 square feet 5 acres

**2.) New Building Construction**

\$ 20,438,322 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.)**

\$ 665,193

**9.) Other Cost**

\$ 2,630,022

**Explain Other Costs** Interest Expense, Closing Costs, IDA Fee**Total Cost** \$ 25,283,537Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 20,438,322 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 3,000,000
<b>% sourced in Erie County</b>	90%

Sales and Use Tax:

<b>Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit</b>	\$ 9,500,000
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<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 831,250
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\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

<b>Project refinancing estimated amount, if applicable (for refinancing of existing debt only)</b>	\$ 0
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<b>Have any of the above costs been paid or incurred as of the date of this Application?</b>	No
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If Yes, describe particulars:

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 5,283,537
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<b>Bank Financing:</b>	\$ 20,000,000
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<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
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<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
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<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 0
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**Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)**

<b>Total Sources of Funds for Project Costs:</b>	\$25,283,537
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<b>Have you secured financing for the project?</b>	No
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Mortgage Recording Tax Exemption Benefit:

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

<b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>	20,000,000
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**Lender Name, if Known**



**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$150,000

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 (485-a, 485-b, other):** Not applicable

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	0	0
Part time	2	2	2	2
Total	2	2	2	

**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.)**

As the project is developed, we will create these positions to operate the property.

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
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<b>Management</b>	0	\$ 0	\$ 0	1	\$ 32,000	\$ 4,000
<b>Professional</b>	0	\$ 0	\$ 0	1	\$ 32,000	\$ 4,000
<b>Administrative</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Production</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Other</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Total</b>	0			2		

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

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

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

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

#### Payroll Information

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

64,000

##### **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)**

32,000

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

0

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

<b>From (Full Time)</b>	0	<b>To (Full Time)</b>	0
<b>From (Part Time)</b>	32,000	<b>To (Part Time)</b>	32,000

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

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

Multi-Tenant Facility

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

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

Through our analysis and high occupancy levels at our properties throughout Erie County, we need additional apartments to meet the demand of the market including the demand for workforce housing units.

#### Have any tenant leases been entered into for this project?

No

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

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

## Section V: Retail Determination

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

Please answer the following:

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

No

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

## Section VI: Adaptive Reuse

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

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

#### City/Town

#### State

New York

#### Zip Code

**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?**

<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 VIII: Housing

### 1 Bedroom

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	29	784	\$1,695	\$0
80% AMI	7	784	\$1,526	\$0
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total 1 Bedroom	36			

### 2 Bedroom

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	57	1,214	\$2,148	\$0
80% AMI	15	1,214	\$1,745	\$0
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total 2 Bedroom	72			

### 3 Bedroom

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	0	0	\$0	\$0
80% AMI	0	0	\$0	\$0
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total 3 Bedroom	0			

### Studio

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	0	0	\$0	\$0
80% AMI	0	0	\$0	\$0
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total Studio	0			

### Other

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	0	0	\$0	\$0
80% AMI	0	0	\$0	\$0
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total Other	0			

### Totals

	Number of Units	% of Units
At Market Rate	86	80%
Below Market Rate	22	20%
Total Units	108	100%

## Section IX: Senior Housing

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

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

No



## Section 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

## **EXHIBIT 2**

### **NARRATIVE PROVIDING ADDITIONAL JUSTIFICATION FOR REQUESTED AMHERST IDA ASSISTANCE FOR PROPOSED MULTIFAMILY PROJECT – 468-480 DODGE ROAD**

#### **I. Description of the Project and Project Eligibility:**

The proposed multifamily is to be located on the approximately 5.17 acre parcel located at 480 Dodge Road (“Project Site”) that is properly zoned New Community District – General Commercial (“NCD-GC”) pursuant to the Town of Amherst Zoning Map. The Project Site consists of the vacant former Arbordale Nursery location, which closed for several reasons including the fact that the existing improvements including the greenhouses, etc. has fallen into severe disrepair. A copy of the survey of the Project Site is provided at **Exhibit “3”**.

The multifamily project consists of 108 apartments for lease (including 22 designated workforce housing apartments), access aisles, parking spaces, landscaping, lighting, storm water management improvements and all required utility improvements. A copy of the Site Plan depicting the approved project layout is provided at **Exhibit “4”** and a copy of the Landscape Plan is provided at **Exhibit “5”**. Copies of the Elevation Plan for the 3-story multifamily project and the Floor Plan are provided at **Exhibit “6”**.

The project consists of 108 apartments (the “Project”) and 22 of the units will consist of Workforce Housing units. The Workforce Force housing component of the Project will be consistent with the requirements of the Town of Amherst Industrial Development Agency (“IDA”) Housing Policy, which defines “Workforce Housing” as follows:

“Workforce Housing” – project consisting of for rent multi-family units whereby a specific percentage of the units are designated to an 80% household area median income (AMI) as identified in this exhibit and maintained on the Agency’s website. Household income levels for persons living in specified Workforce Housing units shall not exceed 100% of AMI.”

Below is a table setting forth the Workforce Housing Income Requirements for the time period from June 1, 2025 to May 31, 2026.

<b>WORKFORCE HOUSING AREA MEDIAN INCOME (AMI) CHART</b>			
<b>Rent Limits*</b>	<b>1 BEDROOM</b>	<b>2 BEDROOM</b>	<b>3 BEDROOM</b>
80% of AMI	\$1,415	\$1,616	\$1,819
<b>Income Limits*</b>	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>
100%	\$70,750	\$80,812	\$90,937

Note: Rent and income limits for individual Workforce Housing units are determined by the lease start date and are updated annually based on data from the U.S. Department of Housing and Urban Development. Landlords may adjust unit rents to align with revised limits when the lease term expires.

The project will not result in any potentially significant adverse environmental impacts. The Planning Board have previously completed an environmental review of the project. A copy of the negative declaration issued by the Planning Board on September 21, 2023 for the previously proposed 92 units multifamily project is provided at **Attachment “A”** of the completed Part 1 of the Full Environmental Assessment Form dated August 20, 2025 provided at **Exhibit “1”**.<sup>1</sup>

A color copy of the PowerPoint presentation given during the public hearing held by the Planning Board on August 17, 2023 in connection with its review of the previously proposed 92 unit multifamily project is provided at **Exhibit “7”**. All of the required project approvals from the Town of Amherst municipal boards have been obtained including Site Plan Approval from the Planning Board. A copy of the resolution adopted by the Planning Board on September 21, 2023

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<sup>1</sup> The Part 1 of the Full Environmental Assessment Form with Attachments A and B provided at **Exhibit “1”** provides extensive information supporting the Applicant’s position that the modified project layout consisting of 108 residential units for lease will not result in any potentially significant adverse environmental impacts. The Planning Board is holding a public hearing on the request for approval of the Amended Site Plan during its meeting on October 16<sup>th</sup>.

granting Site Plan Approval for the previously approved 92 unit multifamily project is provided at **Exhibit “8”**.

The project qualifies for a PILOT as a Commercial Project under New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 914-a of the General Municipal Law, as amended (collectively, the "Act"), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living.

In Opinion of the State Comptroller Number 85-51 ("OSC Op. 85-51"), the State Comptroller opined that the determination of whether a project consisting of the construction of an apartment complex constitutes a commercial activity within the meaning of the Act is to be made based upon all of the facts relevant to the proposed project, and that any such determination should take into account the stated purpose of the Act to promote employment opportunities and prevent economic deterioration. The Project is eligible for AIDA assistance consistent with OSC Op. 85-51 for the following reasons:

- The Town’s adopted Comprehensive Plan identifies the need for attractive multifamily housing to retain workers in the Town and attract new businesses since housing is a key factor when companies make decisions whether to relocate or expand in a municipality. The Project Site is located in close proximity to places at which a large number of people work including the University of Buffalo North Campus.

- As set forth in the adopted Comprehensive Plan, there is a lack of affordable and safe multifamily housing in the Town since only 3.1% of land in the Town of Amherst is designated as appropriate for Medium Residential Development.
- The Town of Amherst is a NYS certified “Pro Housing Community” and the workforce housing component will provide new high quality housing for those who otherwise would not have the financial ability to live within the Project.
- The Project will promote and maintain the job opportunities, health, general prosperity and economic welfare of the Town’s citizens and improve their standard of living by generating substantial annual property tax revenue. The workforce housing component will improve the standard of living for eligible tenants that would otherwise not have the financial ability to reside within the Project.
- The Project will assist the Town in addressing economic deterioration in the area by replacing an obsolescent former nursery with an attractive multifamily project that has been reviewed extensively by the Town’s municipal boards for more than two years.

**II. The Project is Consistent with the Adopted Bicentennial Comprehensive Plan and the Planning History for the New Community District (“NCD”):**

In connection with its decision granting Site Plan Approval for the multifamily project on September 21, 2023, the Planning Board issued a finding that the project is generally consistent with the policies contained in the adopted Comprehensive Plan.

The proposed project has also been endorsed by Empire State Development, the agency that previously planned the development of the Town’s New Community District more than 50 years ago. Attached as **Exhibit “9”** is a letter issued by Karen M. Utz of Empire State Development dated August 22, 2025 that states as follows:

Empire State Development has long been a partner with the Town of Amherst in an evolving Audubon Planned Community, which was built in the 1970s as a mixed-use, mixed-income development by ESD (formerly known as the NYS Urban Development Corp.), and still retains ownership of a few parcels that may be considered for development. With this vested interest in seeing positive redevelopment, Empire State Development is in support of the Amherst Industrial Development Agency's work to incentivize appropriate projects that fit the positive development plan.

The Green Organization is proposing a redevelopment in the Audubon Area on Dodge Road, including 96 apartments with 20% dedicated to workforce housing priced at 80% of the Erie County's area median income. The site was once a former nursery and abuts the I-990 near Campbell Boulevard, an ideal location for a housing project with a projected investment of nearly \$25 million.

As Amherst is a NYS certified "Pro Housing Community" and is focusing on the greater need for affordable options, on behalf of Empire State Development I am writing in support of these economic redevelopment opportunities.

Chapter 3 of the Comprehensive Plan is titled "Land Use and Development" and the Goal for Land Use and Development as set forth on Page 3-4 is "An interconnected mix of land that includes revitalized older neighborhoods and commercial centers and corridors, quality new developments, vibrant activity centers, agriculture, and green spaces throughout the community." The project will be located on an infill site that consist of the former Arbordale Nursery.

The recommended land use for area per Figure 6 of the Comprehensive Plan is "Mixed Residential". The "Mixed Residential" category is described on Pg. 3-32 of the Comprehensive Plan as appropriate for a density of 12-60 units per acre. The text on Page 3-32 states as follows:

"Mixed Residential (4 to 12 units/acre) Within the older sections of the Town (generally south of Maple Road), Mixed Residential designations comprised of small lot single-family, duplex, and other attached dwelling types, represent much of the Town's stock of affordable housing. This type of housing is also attractive for infill development along high access suburban and commercial corridors served by public transportation. Typical locations for this residential category include areas of transition between commercial uses and lower density single-family neighborhoods, as well as along collector or arterial highways or other areas that are generally unattractive for large lot, single family development. Other areas of the Town designated for concentrations of Mixed Residential use include underutilized areas near designated commercial and mixed-use centers

The project is consistent with “Mixed Residential” land use category since it will providing high quality housing for lease that will include a workforce housing component at a location with direct access to the I-990 and in close proximity to places of employment including large existing office parks and the University of Buffalo North Campus.

Chapter 5 of the Comprehensive Plan is titled “Economic Development” and provides support for the IDA granting incentives for the proposed mixed-use project. Section 5.2 of the Comprehensive Plan sets forth the economic goal of the Town as including creation of a strong tax base and providing development in convenient and accessible locations. One of policies as set forth on Page 5-3 of the Comprehensive Plan in implementing the Town’s economic goal and policies is as follows: “Target economic development policies, programs, capital expenditures, and incentives to attract and retain higher paying employment and promote desired forms and locations of development and redevelopment.”

Policy 5-6 of the Comprehensive Plan consists of “[A]dopt commercial development standards for neighborhood compatibility with context sensitive design guidelines.” The Project has deliberately designed based on consideration of neighborhood compatibility and this is reflected by the proposed lower density two-story townhomes along the Dodge Road frontage, extensive landscaping and high quality architecture of the proposed multifamily buildings.

**Conclusion:**

The Applicant respectfully requests that the Board of Directors approve the requested incentives for the eligible project that includes a proposed twenty percent (20%) workforce housing component for the reasons described within the Application.