



ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

FACT SHEET

Commercial Center Improvement Program Erie County Consortium

The Erie County Department of Environment and Planning (ECDEP) hereby establishes the following guidelines and procedures for the implementation of a Commercial Center Improvement Program. Funding for this program will be provided by monies made available to the Erie County Community Development Block Grant (CDBG) Consortium from the U.S. Department of Housing and Urban Development through the CDBG Program. The objective of the program is to financially assist property owners of commercial businesses within Village and Hamlet areas of Countywide significance. These are listed in the “Guiding Principles for Countywide Land Use Planning” prepared in December 1999 by the Erie County Department of Environment and Planning. Main retail areas in the Cities of Lackawanna and Tonawanda, as well as the Town of West Seneca are also eligible.

1. Program Goals

- To improve the physical appearance of older commercial centers by providing a consistent treatment of exterior building improvements.
- To improve the quality of life for surrounding low/moderate income residential neighborhoods by enhancing the appearance of frequently visited retail structures.

2. Funding Available

The County will provide grants of up to 50 percent of the cost of approved applications, up to a maximum of \$10,000 for individual business. The building owner shall be responsible for all costs in excess of \$10,000 up to a maximum project cost of \$30,000. For construction work performed by a contractor, the minimum project cost must total not less than \$4,000 (\$2,000 in grant funds matched with \$2,000 in private resources.) This minimum does not apply to projects that are used to fund signage and/or awnings. The following two exceptions to the above funding policy can be applied to certain cases:

A) Compliance with New York State Historic Preservation Guidelines

In certain cases, the New York State Historic Preservation office may require use of specific materials or rehab techniques to insure retaining of historic quality of a structure. This may increase the rehab cost beyond the amount that standard rehab would entail. In these cases, the County will provide up to an additional \$6,000 in grant funds. These monies will only cover those costs necessary to comply with SHPO requirements. Any increase above \$6,000 will require approval from the Deputy Commissioner of Planning and Economic Development.

B) Full Adherence to Recommendations of Project Architect:

Erie County strongly encourages full adherence to the recommendations prepared by the project architect for each structure. This may at times require costs over the maximum amounts allowed under the program. In order to encourage close adherence to architect recommendations the County may increase its \$10,000 share up to \$15,000. Any County share above \$10,000 would still require a dollar for dollar match from the property owner. The increase would only occur if the applicant's rehab work solely included those elements recommended in the project architects schematic plan.

3. Eligible Activities

Eligible activities include the repair or replacement of existing building façade (front, rear, and side), awnings, signage, window and door treatments, lighting, and replacement of exterior building materials. Grounds improvements such as paving and landscaping are eligible if they are incidental to the main rehab work. It is anticipated that only in rare occasions will grounds improvements satisfy the test for meeting the incidental work definition. Interior renovations are not eligible for assistance under this program.

Eligible activities also include items necessary to insure building compliance with federal lead-based Paint, architectural barriers, and Americans With Disabilities regulations.

It should be stressed that routine maintenance or repair items and new façades that mask building architecture are not eligible for assistance.

4. Eligible Areas

Commercial centers located within a village, city, hamlet of Countywide significance (see "Guiding Principles" document), or Town of West Seneca and that are also within the Erie County Community Development Block Grant, Urban County Consortium may be eligible for consideration.

It should also be stressed that the area must qualify to utilize federal Community Development Block Grant funds under the low/moderate area benefit rules, or slum/blight. The area must also be predominantly retail and consist of older buildings situated in a minimum three to four block, dense compact area.

Upon a request from the local government, representatives from the Erie County Department of Environment and Planning will analyze the proposed commercial center to determine eligibility.

A municipality needs to provide a minimum of five completed application forms from interested business owners within the target area prior to County initiation of any work activity. This minimum may be reduced by the Deputy Commissioner of Environment and Planning based on factors ranging from size of the Village Center to prior participation of the municipality in programs like the New York State Main Street Program.

5. Eligible Applicants

Eligible applicants are owners of occupied commercial/retail properties (non-franchise) that are located within the eligible area and whose service area is primarily the low/moderate income neighborhood it is located within. Eligible applicants include any occupied retail business structure that is operating in conformity with the Municipality's zoning regulations and is current on all property taxes, as well as water/sewer charges. The types of commercial/retail businesses are those typically having the neighborhood as the service area (e.g., beauty salons, ice cream parlors, hardware stores, and delicatessens). The sole determinant of whether an applicant is eligible shall be the Department of Environment and Planning.

Exceptions to the above requirement are noted below.

- a) A building with multiple tenants, some of which may either be vacant, occupied by a non-retail venture, or a retail venture having a service area beyond the low/mod eligible area may qualify for assistance if said building displays a unique architectural style, seriously dilapidated, or is strategically located within the commercial center area. In the latter case, the improvement of the structure would significantly improve the appearance of the entire commercial center.
- b) A franchise owner occupies a building that does not utilize a traditional franchise building style, but incorporates the retail operation into an older building. The market reach of the franchise business would still have to satisfy the service area requirement for participation in the program.

6. Eligible Match

Costs incurred by the business owner should only be considered for local match purposes if said costs occur following written commitment from Erie County (See Section 10). Dollars expended for site improvements are acceptable for local match purposes, even if not ancillary to the exterior rehab of the structure.

7. Compliance with Government Regulations, Including Lead-Based Paint, Architectural Barriers, and Americans with Disabilities

All building improvements funded through this program must be carried out in a manner that insures full compliance with any local, state, and federal regulations applicable to the

Project. This includes lead-based paint testing and clearance analyses for any buildings that include improvements to common areas used for residential purposes. The cost of the lead paint test and initial clearance shall be borne by Erie County. The cost of any additional clearance tests shall be borne by the Contractor.

It also includes compliance with the Americans With Disabilities Act and the Architectural Barriers Act. As a condition of participating in the CCIP Program, building owners will be required to incorporate alterations to the exterior of the structure to insure compliance with the Uniform Federal Accessibility Standards.

This only pertains to that part of the exterior, which may be altered as part of the building improvement project such as entrance doors.

8. Design Review

Building owners shall submit an application to the Erie County Program Administrator identifying, in general terms, the proposed improvements and an estimate of the cost of the proposed improvements. If the proposal is eligible for assistance, the County Program Administrator shall meet with the building owner to obtain more detailed information including property maps, historic drawings, photographic inventory, and detailed information concerning desired improvements and other items as necessary. The County Program Administrator shall forward the package to the Project Architect who in turn shall schedule a meeting with the building owner in anticipation of preparing a photographic design rendering and subsequent work writeup.

Upon acceptance of the plans for the proposed improvements by the building owner, the building owner shall obtain written cost estimates from at least two contractors. The applicant would then select the contractor and so inform the County. The latter will then forward the applicable wage reporting forms, monthly utilization forms and Owner-Contractor Agreement to the Contractor. Assistance under the program will generally be based on the lowest responsible bid; however, the applicant may select a higher bidder provided the Project Architect provides a written summary justifying same.

9. Grant Approval and Payment Procedures

Upon approval by the Project Architect, the County will authorize a written commitment to the applicant in an amount not to exceed 50% of the total contract value, up to a maximum of \$10,000. The applicant and the contractor shall then enter into a contract for the improvements.

10. Payment Procedures

Upon completion of the improvements, the applicant shall notify the County so that the Project Architect or County Inspector can conduct an inspection to ensure conformity with the approved design plans and specifications. The Project Architect or County Inspector and the applicant must approve and sign off on all construction work. The County may approve the disbursement of funds to the contractor for 50% or less of the cost of the improvements after the applicant has provided verification that the work has been completed as proposed. Said payment request must include receipts or other items documenting the entire cost of work, not just the County share. The owner shall forward

a payment request to the County requesting disbursement of funds. Said disbursement will be issued in the form of a two-party check to the applicant and contractor.

*It should be stressed that the building **owner's funds being held in escrow will be used to pay the contractor** prior to the release of County funds. Prior to work startup the building owner shall submit their local share to Erie County officials for placement in an escrow account. Said funds will be withdrawn for contractor payments as the work progresses.*

11. Application, Filing Fee, and Full/Partial Return of Filing Fee

Application forms to participate in the Program are available at the Erie County Department of Environment and Planning. A municipality needs to provide a minimum of five completed application forms from interested business owners within the target area prior to County initiation of any work activity. *An application filing fee of \$750 in the form of a certified check, made payable to the "Erie County Comptroller" is required along with the application. If the application is approved the filing fee will be counted toward the local match requirement. It should be noted, however, that disapproval of the application will prompt a return of said filing fee. Should the applicant decide to terminate participation in the program after initiation of work by the project architect, a portion of the application fee will be retained to reimburse the project architect for expenses incurred to the date of termination.*

In certain cases an applicant may choose to forego participation in the CCIP program due to paperwork, expediency, compliance with Davis-Bacon requirements, or a variety of other reasons. This decision can occur even though the business owner is comfortable with the architect's plans and willing to incorporate those recommendations into his privately funded work. In these cases a portion or all of the applicant's initial application fee can be returned to him by the County, following a County inspection of the final rehab work. A two-year window from the applicant's initial decision to forego participation in the CCIP is open for the return of all or a portion of the initial fee.

12. Self-Help Projects

Self-help projects are not eligible for project assistance.

13. Funding Limitations

As program funds are being made available by the County from a federal grant, the implementation of this program is subject to compliance with prevailing wage rates (Davis-Bacon) and other employment regulations. Prevailing wage rates must be paid to employees when the construction contract exceeds \$2,000. In certain cases, the purchase and installation of signage and/or awnings may not be defined as construction activities. Work performed under this program must also comply with applicable environmental and historic preservation regulations.

14. Time Limit

*In any commercial center area the program shall be active for a **three-year** period. Said period commences on the date of the initial program announcement letter to area businesses by the chief elected official of the participating area.*

15. Compliance with Special Rehabilitation Standards Due to Historic Nature of Building

Certain buildings are located in state or national historic districts or are eligible for inclusion on the State or National Register of Historic Places/Buildings. This may require compliance with certain rehabilitation standards developed by the New York State Office of Historic Preservation. For example, repair of original windows may be required rather than outright replacement. Compliance with these standards may add to the overall rehabilitation cost. Erie County will consider increasing the Community Development Block Grant cost share of a rehabilitation project beyond the 50% limit to cover certain added costs necessary to comply with Historic Preservation standards. This recognizes the Countywide significance of preserving the region's historic legacy. These cases will be reviewed and funding determined on a case-by-case basis.

16. Utilization of National Grid's Main Street/Commercial District Revitalization Program

Attachment A to these guidelines includes information concerning the National Grid Main Street/Commercial District Revitalization Program. Wherever possible the National Grid Program shall be incorporated into the Erie County Commercial Center Improvement Program.

In order to insure said integration the following shall occur.

- a) At the onset of CCIP work within a municipality, County personnel will determine the inclusion of the applicable commercial district within the National Grid service area.
- b) County personnel shall also conduct a vacancy analysis of the proposed CCIP area to determine if it qualifies as a target redevelopment area (i.e. presence of a 50% or more vacancy rate).
- c) If an area does qualify for the National Grid Program, County personnel shall arrange a meeting among the utility, local community development corporation, and municipality to review program guidelines.
- d) The local government local community development corporation, or Erie County will be the program lead agency for National Grid funding. Applicant funds can be used as the required 50% local match for any eligible project. This can increase overall amount of project funding available, and also allow internal rehab to occur. For example, a typical \$30,000 Façade rehab project can be broken down as follows:

- \$10,000 Erie County CDBG
- \$10,000 Private Funding
- \$10,000 National Grid

It should be noted that the CDBG funds cannot be used to match National Grid monies. Said match would occur through the applicant funds.

- e) During program work within a municipality, regardless of whether the area has met the 50% vacancy threshold, County personnel shall inform owners of vacant commercial buildings about the National Grid Program. Any positive inquiries would prompt County personnel to set up informational meeting with the owner, National Grid, and municipality to review eligibility and process. Again local match must be from a non-CDBG source.

**ERIE COUNTY
COMMERCIAL CENTER IMPROVEMENT PROGRAM**

APPLICATION

A. Property Owner Information

Name of owner: _____

Telephone number: days: _____ evenings: _____

B. Business and Property Information

1. Address of property to be improved: _____

2. Age of building: _____
3. Tax Map Number: _____
4. Name of business: _____
5. Type of business: _____
6. Primary Service Area of Business (be as specific as possible): _____

7. Are there any other owners listed on the current deed: ____ Yes ____ No
8. Business Data Universal Numbering System (DUNS) number. Number can be obtained by calling the DUNS Number Request Line a 1-866-705-5711.

PLEASE SUBMIT A COPY OF THE DEED AND PROPERTY SURVEY

WITH YOUR APPLICATION

C. Financial Information

1. Is there a mortgage? _____ If yes, are payments current? _____
Who holds the mortgage? Name: _____
Address: _____
2. Are there any liens, other than the above listed mortgage? ____ Yes ____ No
If yes, describe. _____

3. Taxes and Municipal services for the property to be improved under the Commercial Center Improvement Program
 - a. Are property taxes paid to date? _____
 - b. Are sewer and water charges paid to date? _____
 - c. Do you have fire insurance on the property? ____Yes ___No
 If yes, is it paid to date? ____Yes ____No
4. Do you own any other property in Erie County? ____Yes ____No

D. Proposed Improvements and Financing

1. What improvements do you wish to make to your building? List in order of priority beginning with (1). Also include a cost estimate with each item. Attach an additional page if necessary.

2. What is the maximum amount of your resources that you will commit to your Commercial Center Improvement Program Project?

3. Do you plan to use your own funds or secure a bank loan for your share of the Project?

 _____ Own funds (Attach financial statements noting fund availability)
 _____ Bank loan (Attach pre-approval letter)

Please review the following certifications, which are part of this application, before signing below. Compliance with the certifications and all other Commercial Center Improvement Program procedures is required. All owners must sign.

Signature

Signature

Printed Name

Printed Name

Date

Date

CERTIFICATIONS

COUNTY OF ERIE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COMMERCIAL CENTER IMPROVEMENT PROGRAM

1. Ownership

I/We hereby certify that I/we own the property to be improved. A COPY OF MY/OUR DEED IS ENCLOSED WITH THIS APPLICATION. If any changes in ownership should occur from this date forward, I/we agree to notify the Erie County Department of Environment and Planning immediately. Failure to do so may result in denial or termination of Commercial Center Improvement Program participation.

2. Application Information

To the best of my/our knowledge, all of the application information I/we have provided is true and correct. I/We understand that any willful misstatement of material fact will be grounds for disqualification. The County of Erie is hereby granted permission to verify any of the information in the application in any appropriate manner.

3. Property Taxes and Municipal Services Charges

I/We understand that all property taxes and charges for water and any other County services must be paid for the property to be improved with Commercial Center Improvement Program resources and for all other properties in the County of Erie owned wholly or in part by me/us. I/We understand that no Commercial Center Improvement Program contracts will be signed unless all taxes and service charges are current.

4. Contracts

I/We understand that any contract for Commercial Center Improvement and/or grounds improvement work paid for in part by the Commercial Center Improvement Program will be between the contractor and myself/ourselves and I/we should **NOT SIGN ANY CONTRACT FOR WORK UNDER THIS PROGRAM UNTIL AUTHORIZED TO DO SO IN WRITING BY THE COUNTY OF ERIE**. I/We understand that the receipt of Commercial Center Improvement Program assistance is subject to satisfactory completion of the approved work. I/We also understand that the County of Erie is not responsible or liable for any breach of contract, faulty workmanship, accidents, liability or damage, which may arise from my/our relationship with the contractor. I/We further understand that the Contractor cannot begin work on my/our property until a **WRITTEN NOTICE TO PROCEED** is issued to me/us and the Contractor by the County of Erie. The Notice to Proceed will be provided when all conditions are met and necessary approvals received.

Competitive bids will be solicited for all of the Commercial Center Improvement Program projects. I/We understand that if I/we choose a qualified contractor who is not the lowest bidder. I/We are required to obtain from the project architect a written summary justifying the desired selection.

I/We understand that the cost of any changes to the construction documents by the Project Architect shall be my/our responsibility. The County shall have no obligation to pay for such costs.

5. Escrow of Owner's Share

I/We understand that my/our share of the Construction Contract amount must be placed in a Commercial Center Improvement Program non-bearing escrow account prior to the issuance of the Notice to Proceed.

6. Project Architect

I/We understand that a Project Architect may be designated by Erie County to prepare plans and specifications for proposed improvements to my/our property. I/We further understand that the Project Architect will ensure consistency between the plans/specifications and work undertaken.

Owner

Date

Owner

Date