



August 3, 2016

**TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY TO APPEAL  
COURT ORDER IN ISKALO LAWSUIT**

*Amherst, NY* – The Town of Amherst Industrial Development Agency Board of Directors voted today to proceed with its appeal of a recent court order that reversed AIDA’s denial of Iskalo Development’s application for additional financial assistance for its Lord Amherst hotel and restaurant project. Iskalo sought tax incentives including waiver of mortgage recording tax, waiver of sales tax and abatements of real property taxes.

Carlton N. Brock, Jr., Chairman of the AIDA Board stated, “We were surprised by the court’s decision, but we are confident that the appellate court will find that our original determination was an appropriate and proper exercise of the Board’s discretion.” He further stated, “AIDA takes its fiduciary obligations to the taxpayers very seriously and authorized an appeal of the decision that we believe was incorrectly decided.”

This was Iskalo’s third separate request to AIDA for tax abatement incentives. This most recent request sought benefits in addition to incentives Iskalo received in 2011 and 2012. At the time of the 2016 application, the Lord Amherst project had dramatically changed in design and scope, and Iskalo sought assistance based on more than double the original project cost. In 2013, the law governing industrial development agency assistance changed to prohibit assistance to retail projects. Hotel/restaurant projects such as Iskalo’s project must demonstrate that the project qualifies as a

“tourism destination” under the statute in order to establish eligibility for tax benefits. Iskalo failed to establish its eligibility and, on the administrative record before it, AIDA denied the 2016 application.

Andrea Schillaci, Esq., counsel to AIDA and a member of Hurwitz & Fine P.C. stated, “AIDA’s denial of Iskalo’s application was an appropriate and proper exercise of its discretion and was fully supported by the administrative record. The decision does not address or reflect consideration of all the relevant evidence presented in opposition to the petition and was based on errors of fact and law. For example, the decision erroneously states that AIDA had determined that a hotel could not be classified as a tourism destination. This statement is belied by the fact that the AIDA has both approved and denied hotel projects in the past.”

The Town of Amherst Industrial Development Agency was created in 1973 by an act of the NYS Legislature as an independent NYS Public Benefit Corporation. The AIDA’s mission is to promote economic diversity, quality employment opportunities and to broaden the tax base of the Town of Amherst and Village of Williamsville in order to reduce the tax burden on homeowners, while helping to maintain and enhance a high quality living environment.

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