

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 427th Meeting
June 18, 2010 – 8:30 am
Agency Offices, 4287 Main Street

The meeting of the above captioned Corporation was called to order by Chairman Fredrick A. Vilonen.

PRESENT:	Fredrick A. Vilonen Randall Clark Robert Ciesielski Ayesha Nariman Aaron Stanley James Allen, Executive Director Nathan Neill, Esq. Steven Sanders, Town Board Liaison
EXCUSED:	John DeLuca Stuart Shapiro
GUESTS:	AIDA Staff Jim Fink, Business First David Robinson, Buffalo News Edward Stachura David Tytka, Uniland Development Dr. Robert LaMantia Michael Biehler, Tops Markets

Chairman Vilonen reminded everyone that the meeting was being tape-recorded.

MINUTES

The minutes of the May 2010 meeting were approved as presented.

TREASURER'S REPORT

The Treasurer's Report for May 2010 was approved as presented

BILLS & COMMUNICATIONS

There were no Bills & Communications at this meeting.

PUBLIC COMMENT

There were no comments from the public at this meeting.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Allen reported that he and Deputy Director David Mingoia, along with board member Aaron Stanley attended the UB Partners Day earlier in the month.

Executive Director Allen informed the board that Assemblyman Hoyt's IDA bill was to have come out of committee and on to the floor of the Assembly last week, but it was withdrawn at the last minute.

NEW BUSINESS

AUTHORIZATION RESOLUTIONS

Project Applicant

Tops Markets, LLC
PO Box 1027
Buffalo, New York 14240
Tom Fitzgerald, VP Real Estate

Project Location

5274 Main Street, Williamsville (former Quality Supermarket)

Request

Company is requesting Agency consent for a \$1,200,000 Installment Sale Transaction for the renovation and equipping of an existing supermarket facility located at 5274 Main Street, located within the Williamsville Central School District. The project is located in a Town of Amherst Enhancement Area. This type of use (retail) is typically not eligible under the guidelines in the County-wide Eligibility policy unless located in a designated redevelopment area, such as an Enhancement Area.

The application states that Tops has acquired this location from the bankrupt Penn Traffic Company and with the remodel is will be transitioned to a Tops Markets. The applicant also states that the remodel of this location will better serve the customer in the neighborhood and make it a viable operation: new building signage, an in-store bank, more value to the consumer, the ability to earn gas points with the Tops gas program, along with new jobs.

The application states that Agency participation is necessary because Quality Markets had declining sales in this location and had not done any improvements due to the bankruptcy of Penn Traffic. The improvements that Tops is planning will entice customers in our newly remodeled state-of-the-art store and will become a viable asset to the Williamsville and surrounding communities. This location would have closed if Tops did not purchase it.

Employment

Project will retain 94 jobs in Amherst (24 full time, 70 part time) and create an additional 15 (5 full time, 10 part time) upon completion.

PILOT Schedule

No PILOT is being requested on the project.

Exemptions

Applicant would realize approximately \$78,750 in sales tax exemption.

Board member Aaron Stanley commented that the Enhancement Zones had not been updated on 10 years is unsure that some parcels in the zone were relevant.

Executive Director Allen briefly explained the process for designating the zones which includes the Amherst Town Board appointing an Industrial and Commercial Incentive Board. Mr. Allen explained that it is the ICIB's mission to establish the Enhancement Areas.

Upon a motion by Randall Clark, seconded by Ayesha Nariman, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT WITH TOPS MARKETS, LLC AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION THEREWITH.

Project Applicant

Tops Markets, LLC
PO Box 1027
Buffalo, New York 14240
Tom Fitzgerald, VP Real Estate

Project Location

3500 Main Street (University Plaza)

Request

Company is requesting Agency consent for a \$1,200,000 Installment Sale Transaction for the renovation and equipping of an existing supermarket facility located at 3500 Main Street, located within the Amherst Central School District. The project is located in a Town of Amherst Enhancement Area. This type of use (retail) is typically not eligible under the guidelines in the County-wide Eligibility policy unless located in a designated redevelopment area, such as an Enhancement Area.

The application states that the remodel of this location will better serve the customer in the neighborhood and make it a viable location. Tops has been in this location since 1984 and has serviced the communities of Buffalo and Eggertsville, along with students and faculty of UB. The remodel will provide a better state-of-the-art store.

The applicant states that this location has had declining sales and that a remodeled store will become a more viable asset to the community, along with promoting additional employment opportunities.

Tops would like to continue to operate in this location and be a contributor of employment in this area. There are many customers that walk to this location to do their shopping and the possibility of this location closing will hurt the area and its walk-in clientele.

Employment

Project will retain 139 jobs in Amherst (64 full time, 75 part time) and create an additional 13 (2 full time, 11 part time) upon completion.

PILOT Schedule

No PILOT is being requested on the project. The current PILOT expires 2015.

Exemptions

Applicant would realize approximately \$78,750 in sales tax exemption.

Several board members asked questions of the Tops Markets representative. The questions pertained to security at the University Plaza project.

Upon a motion by Ayesha Nariman, seconded by Randall Clark and unanimously carried, it was

RESOLVED, THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT WITH TOPS MARKETS, LLC AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION THEREWITH.

Project Applicant

Robert LaMantia, MD
3911 Main Street
Egbertsville, NY 14226

Project Location

3911 Main Street (Near Eggert)

Request

Company is requesting Agency consent for a \$180,000 Installment Sale Transaction for the renovation, expansion and equipping of an existing medical facility located at 3911 Main Street, located within the Amherst Central School District. The project is located in a Town of Amherst Enhancement Area and also the recently enacted TNB Zoning Overlay. This type of use (retail) is typically not eligible under the guidelines in the County-wide Eligibility policy unless located in a designated redevelopment area, such as an Enhancement Area.

The medical practice treats patients with diabetes, thyroid issues and metabolic diseases. The patients are of varying ages, but most are elderly.

The renovation and expansion will consist of replacing the existing ramp with a new one that has a covered entrance and wheel chair lift. Two additional exam rooms, a work office and billing office are also planned. Current parking will be expanded to alleviate over-crowding and will allow for additional patient bookings. A new medical records system will also be installed. To date winter visits have been hampered by poor access due to the existing ramp which is difficult to keep free from snow.

Applicant states that Agency participation is necessary because without additional parking, more room, and updated electronic medical records and billing systems their practice could not meet the demands of a modern medical practice and government mandates. These needs are in conflict with declining reimbursement and an ever changing medical market place. Only with help from the IDA can this project be cost effective. We expect some higher costs to conform with revitalization goals and requirements which IDA assistance will help overcome. Our only other option to this project is to move.

Employment

Project will retain 8 jobs in Amherst (3 full time, 5 part time) and create an additional 2 (full time, 1 part time) upon completion.

PILOT Schedule

No PILOT is being requested on the project.

Exemptions

Applicant would realize approximately \$15,750 in sales tax exemption.

Upon a motion by Randall Clark, seconded by Aaron Stanley and unanimously carried, it was

**RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE
AGREEMENT WITH ROBERT LAMANTIA AND OTHER INSTRUMENTS AND MATTERS IN
CONNECTION THEREWITH.**

9:09 am – meeting adjourned.