

**NOTICE OF PUBLIC HEARING
TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY**

The Town of Amherst Industrial Development Agency will hold a public hearing on December 6, 2021 commencing at 8:30 a.m. to consider proposed financial assistance requested of the Agency with respect to the following project:

Ciminelli Real Estate Corporation, as agent for 111 North Maplemere LLC (the “Applicant”) has submitted an application to the Agency requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) the acquisition of an approximately 14.97-acre parcel of land (SBL No. 55.03-1-12) located at 111 North Maplemere in Amherst, New York within the Sweet Home Central School District (the “Land”); and (ii) the construction of an approximately 163,000 +/- square foot state-of-the-art healthcare facility and related site improvements, including 816 parking spaces, the installation of public roadways and related infrastructure, landscaping, lighting, and storm water management improvements (the “Improvements”). The total cost of the Project is an amount up to \$67,250,006.

The Agency contemplates that it will provide financial assistance to the Applicant for qualifying portions of the Project in the form of: (i) sales and use tax exemption benefits; (ii) mortgage recording tax exemption benefits; and (iii) a twenty (20) year partial abatement of real property taxes pursuant to a custom payment-in-lieu-of-tax agreement (“PILOT Agreement”) in accordance with that certain Amherst Central Park Infrastructure Fund and PILOT Application Agreement entered into by the Agency, the Town of Amherst, New York, and Sweet Home Central School District (together, the “Financial Assistance”). It is anticipated that the PILOT Agreement will deviate from the Agency’s uniform tax exemption policy (“UTEP”) and that the Agency will follow the procedures for deviation from such policy prior to granting such portion of the Financial Assistance.

The application is available for inspection at the Agency’s offices and its website, www.amherstida.com. Written comments may be addressed to David S. Mingoia, Executive Director; Town of Amherst Industrial Development Agency; 4287 Main Street; Amherst, New York 14226; (716) 688-9000.

**PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT
INSTRUCTIONS AND INFORMATION:**

In accordance with Section 859-a of the Industrial Development Agency Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company’s Application and request for Financial Assistance. However, given the ongoing COVID-19 public health crisis the Agency will not be able to accommodate any in-person public attendance at this hearing. This hearing will take place as part of duly noticed meeting of the Board of Directors of the Agency, which will be held remotely in accordance with Chapter 417 of the Laws of 2021 as signed into law on September 2, 2021. In furtherance of the provisions of Section 859-a of the Act that require interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will broadcast the Public Hearing live online at www.AmherstIDA.com. In addition, the Agency will provide public access to provide oral comments in real time via Zoom. Please notify David S. Mingoia at dmingoia@amherstida.com if you wish to speak at the Public Hearing by no later than 5:00 p.m., December 3, 2021, including your name, address, e-mail and phone number that you will use to access the public hearing. An e-mail providing information on accessing the

public hearing via Zoom to provide oral testimony will be forwarded to interested parties in advance of the public hearing if properly registered. Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to Amherst IDA; 4287 Main St; Amherst, NY 14226 and/or via email to David S. Mingoia at dmingoia@amherstida.com. Written comments must be received no later than December 6, 2021.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY (the “Agency”)

**NOTICE OF DEVIATION
FROM THE COUNTYWIDE INDUSTRIAL DEVELOPMENT AGENCY
UNIFORM TAX EXEMPTION POLICY (“UTEP”)**

This Notice of Deviation is being issued to the affected taxing jurisdictions and industrial development agencies listed on the attached distribution list in accordance with Section 874 of the General Municipal Law of the State of New York and the applicable provisions of the UTEP, which require the Agency to provide written notice to affected taxing jurisdictions and all other IDAs located in Erie County prior to the Agency taking final action with respect to a proposed payment in lieu of real estate tax agreement, if said agreement deviates from the provisions of the UTEP.

Description of the Project

Ciminelli Real Estate Corporation, as agent for 111 North Maplemere LLC (the “Applicant”) has submitted an application to the Agency requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) the acquisition of an approximately 14.97-acre parcel of land (SBL No. 55.03-1-12) located at 111 North Maplemere in Amherst, New York within the Sweet Home Central School District (the “Land”); and (ii) the construction of an approximately 163,000 +/- square foot state-of-the-art healthcare facility and related site improvements, including 816 parking spaces, the installation of public roadways and related infrastructure, landscaping, lighting, and storm water management improvements (the “Improvements”). The total cost of the Project is an amount up to \$67,250,006.

Proposed Financial Assistance

The Agency contemplates that it will provide financial assistance to the Applicant for qualifying portions of the Project in the form of: (i) sales and use tax exemption benefits; (ii) mortgage recording tax exemption benefits; and (iii) a twenty (20) year partial abatement of real property taxes pursuant to a custom payment-in-lieu-of-tax agreement (“PILOT Agreement”) in accordance with that certain Amherst Central Park Infrastructure Fund and PILOT Application Agreement entered into by the Agency, the Town of Amherst, New York, and Sweet Home Central School District (together, the “Financial Assistance”).

Deviation From the UTEP

The proposed financial assistance for the Project constitutes a deviation from the UTEP with respect to the proposed PILOT arrangement. The UTEP provides that payments in an Agreement for Payment in Lieu of Real Estate Taxes (“PILOT Agreement”) shall be allocated among the affected taxing jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected taxing jurisdiction had the project not been exempt due to the Agency’s involvement in the Project. The proposed PILOT arrangement deviates from this because it would provide for the redirection of a portion of the Town of Amherst’s PILOT payments and a portion of Sweet Home Central School District’s PILOT payments made by the Applicant to the Amherst Central Park Infrastructure Fund. None of the County’s PILOT payments will be redirected toward the Fund.

Consistent with the Amherst Central Park Infrastructure Fund and PILOT Application Agreement entered into by the Agency, the Town of Amherst, New York and Sweet Home Central School District, the Agency and the Applicant propose to enter into an Agreement for Payment in Lieu of Real Estate Taxes (“PILOT Agreement”) for a term of twenty (20) years, with annual abatement percentages in accordance with the following schedule:

<u>Year</u>	<u>COLUMN 1:</u> <u>PILOT Abatement Schedule Applicable to Improvements Constructed on Lots</u>	<u>COLUMN 2:</u> <u>Percentage of Town and School District PILOT Payments to be Directed to the Fund</u>	<u>COLUMN 3:</u> <u>Percentage of Town and School District PILOT Payments to be Directed to the Town and School District</u>	<u>COLUMN 4:</u> <u>Percentage of County PILOT Payments to be Paid to the County</u>
1	20%	100%	0	100%
2	20%	100%	0	100%
3	20%	100%	0	100%
4	20%	100%	0	100%
5	20%	100%	0	100%
6	10%	100%	0	100%
7	10%	100%	0	100%
8	10%	100%	0	100%
9	10%	100%	0	100%
10	10%	100%	0	100%
11	0	90%	10%	100%
12	0	90%	10%	100%
13	0	90%	10%	100%
14	0	90%	10%	100%
15	0	90%	10%	100%
16	0	80%	20%	100%
17	0	80%	20%	100%
18	0	80%	20%	100%
19	0	80%	20%	100%
20	0	80%	20%	100%

In support of the proposed deviation, the Agency will consider the following factors prior to approving the proposed deviation from the UTEP:

1. The extent to which the Project will create or retain permanent private sector jobs.

The Project is expected to create 26 full-time positions and 13 part-time positions. The Project is expected to retain 136 full-time positions and 9 part-time positions.

2. The estimated value of tax exemptions to be provided.

The estimated value of the sales and use tax benefit for the Project is an amount up to \$2,209,112.00. The estimated value of the mortgage recording tax benefit is an amount up to \$355,781.00. The estimated value of the real property tax benefit is \$1,146,000.

3. Whether affected taxing jurisdictions will be reimbursed by the Project occupant if the Project does not fulfill the purposes for which an exemption was provided.

The Applicant will be subject to potential financial assistance recapture in the event the Applicant does not adhere to the Agency's standard material terms and conditions governing the receipt of financial assistance.

4. The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity.

The impact of the Project is a positive one on the community, as it will promote job opportunities, general prosperity and economic welfare for the residents of Erie County and the Town of Amherst. The Project is the first development to capitalize a fund for infrastructure and community projects per the PILOT Agreement in an estimated amount of \$11,990,000.

5. The amount of private sector investment generated or likely to be generated by the proposed Project.

The total private sector investment in the Project is expected to exceed \$67,250,006.

6. The demonstrated public support for the Project.

The Town of Amherst has expressed its support for the Project. On July 8, 2020, the Town of Amherst Town Board adopted a resolution to amend its adopted Bicentennial Comprehensive Plan, which designed the Project's location as appropriate for "Community Facilities" and to amend the Project location's zoning classification. On August 18, 2020, the Town of Amherst's Zoning Board of Appeals granted the required area variances for the Project. On May 20, 2021, the Town of Amherst Planning Board granted the Site Approval Plan for the Project. On September 23, 2021, the Town of Amherst Planning Board approved an Amended Site Plan for the Project, which approved the public infrastructure components of the Project.

7. The likelihood of accomplishing the proposed Project in a timely fashion.

The Project is expected to be completed in a timely manner. Construction is expected to begin in the winter of 2022, with completion in the winter of 2023.

8. The effect of the proposed Project upon the environment.

The Project is a Type I action pursuant to the State Environmental Quality Review Act (SEQRA). The Town of Amherst has served as lead agency for the coordinated environmental review of the Project pursuant to SEQRA, which encompasses 14.91 acres and off-site Right-of-Way improvements acres that are located on a portion of 500 Maple Road.

As lead agency, the Town Board evaluated the environmental impacts of the Applicant's request to amend the SEQRA Findings Statement to permit the Land to be developed as a 163,000+/- square foot building to be utilized as a multi-tenant medical office building and UBMD surgery center, in addition to public infrastructure improvements including roadways and utility infrastructure improvements and connections. Negative declarations by the Town of Amherst Planning Board were each issued on July 6, 2020, May 20, 2021 and September 23, 2021 at the completion of coordinated environmental reviews of the Project, determining that the proposed actions by the Applicant would not have a significant adverse effect on the environment.

9. The extent to which the Project will utilize, to the fullest extent practicable and economically feasible, resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures.

The Applicant has indicated in its application that all mechanical equipment for the Project's building core and shell will provide demonstrated energy efficiency benefits and utilize state-of-the-art components and designs.

10. The extent to which the proposed Project will require the provision of additional services including, but not limited, educational, transportation, emergency medical or police and fire services.

The Project is not expected to require the provision of additional services.

11. The extent to which the proposed Project will provide additional sources of revenue for municipalities and school districts.

The Project site currently consists of decommissioned athletic fields and greenspaces. The Project will generate additional sources of revenue from the PILOT payments which would otherwise not be received if the Project does not proceed.

[Distribution List Follows]

DISTRIBUTION LIST

Affected Taxing Jurisdictions:

Hon. Mark C. Poloncarz
Erie County Executive
95 Franklin Street
Buffalo, New York 14202

Hon. Brian Kulpa, Supervisor
Town of Amherst
5583 Main Street
Amherst, New York 14221

Michael V. Ginestre
Superintendent
Sweet Home Central School District
1901 Sweet Home Road
Amherst, New York 14228

Hon. Marianne Jasen
School Board President
Sweet Home Central School District
1901 Sweet Home Road
Amherst, New York 14228

Industrial Development Agencies:

Erie County Industrial Development Agency
95 Perry Street, Suite 402
Buffalo, New York 14203
Attn: John Cappellino, President & CEO

Town of Concord Industrial Development Agency
Concord Town Hall
86 Franklin Street
Springville, New York 14141
Attn: Gary Eppolito, Chair

Town of Lancaster Industrial Development Agency
Town Hall, 21 Central Avenue
Lancaster, New York 14086
Attn: Ronald Ruffino, Sr., Chair

Town of Clarence, Erie County, Industrial Development Agency
One Town Place
Clarence, New York 14031
Attn: Christopher Kempton, Chair

Town of Hamburg Industrial Development Agency
6122 South Park Avenue
Hamburg, New York 14075
Attn: Sean Doyle, Executive Director