

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Agenda – 508th Meeting
March 29, 2019-8:30 am

James J. Allen Boardroom
Agency Offices – 4287 Main Street, Amherst, NY 14226

1. Roll Call of Members
2. Reading and Approval of Minutes
3. Bills & Communications
4. Treasurer's Report
5. Public Comment
 - a. Speakers Limited to Three (3) Minutes
6. Executive Director's Report
7. Committee Reports
 - a. Audit & Finance Committee
 - i. 2018 Audited Financial Statements
 - b. Governance Committee
 - i. 2018 Mission Statement & Measurement Report
8. Unfinished Business
9. New Business
 - I. Tenant Approval for property located at 6363 Main Street – Reliant Capital Solutions
 - II. Contract Extension for Executive Director
10. Adjournment

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 507th Meeting
March 8, 2019 – 8:30 am
James J. Allen Boardroom
Agency Offices, 4287 Main Street

PRESENT: Carlton N. Brock, Jr.
Steven Sanders
Michael R. Szukala
William W. Tuyn
Hon. Timothy J. Drury
Hadar Borden
Jacqueline Berger, Town Board Liaison
David S. Mingoia, Executive Director
Kevin J. Zanner, Hurwitz & Fine PC

ABSENT: Philip Meyer

GUESTS: AIDA Staff
Jim Fink, Business First
David Tytka, Uniland Development Co.
Sean Hopkins, Esq
Nicholas Tzetzto, Tzetzto Companies, LLC
Linda Tzetzto, Tzetzto Companies, LLC
Jim Tricoli, Amherst Times

Chairman Carlton Brock called the meeting to order and reminded everyone that the meeting was being audio recorded.

MINUTES

The minutes of the January 2019 meeting were approved as presented.

BILLS & COMMUNICATIONS

The Agency received a letter from Paul Wolf of the Buffalo Niagara Coalition for Open Government. Mr. Wolf requested that the Agency adopt a resolution on outlining its commitment to their list of Best Practices. The board agreed to forward this matter to the Agency's Governance Committee for evaluation.

TREASURER'S REPORT

The Treasurer's Report for January 2019 was approved as presented.

PUBLIC COMMENT

There was no Public Comment at this meeting.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director's Report is attached to these minutes.

COMMITTEE REPORTS

There were no Committee Reports for this meeting, however Executive Mingoia reminded the board that there is an Audit & Finance Committee meeting scheduled for February 12th and a Governance Committee meeting scheduled for February 21st.

UNFINISHED BUSINESS

There was no Unfinished Business at this meeting.

NEW BUSINESS

AUTHORIZATION RESOLUTION – FREDONIA PLACE @ WILLIAMSVILLE

PROJECT DESCRIPTION

The Tzetzco Companies LLC, is purchasing the Sisters of St. Francis unlicensed assisted living facility and performing major renovations. The company expects to receive New York State Department of Health licensure to operate as a fully licensed adult living facility that will serve both Sister and non-Sister residents. Tzetzco is seeking to undertake this project after a competitive and due diligence process by the Sisters. When the facility was developed in 1999, the Sisters intended to find an operator once they could no longer care for themselves.

Tzetzco expects the license to allow for an expanded number of non-Sister residents by increasing units to 99. Additional jobs will be added to provide care to additional residents moving into the facility. Financial assistance is noted as "crucial" by the applicant to defray the substantial cost of renovations to bring the facility up to modern standards and New York State Department of Health regulatory compliance. The Amherst Town Board unanimously approved the rezoning of the project and placed restrictions on further building construction on the site.

After a brief discussion, Steven Sanders made a motion to approve the request for the authorization for the Fredonia Place @ Williamsville Project. Michael Szukala seconded the motion. Vote of aye were cast by Brock, Sanders, Szukala, Tuyn, Drury and Borden. Vote to approve the Fredonia Place @ Williamsville project passed 6-0.

Steven Sanders made a motion for the board to go into Executive Session to discuss the contract extension for Executive Director David Mingoia. Michael Szukala seconded the motion. Votes of aye were cast by Brock, Sanders, Szukala, Tuyn, Drury and Borden. Vote for the board to go into Executive Session passed 6-0.

9:50 am – board came out of Executive Session

Steven Sanders made a motion to authorize the Chairman to meet with Executive Director Mingoia to begin contract extension discussions. Michael Szukala seconded the motion. Votes of aye were cast by Brock, Sanders, Szukala, Tuyn, Drury and Borden. Motion to approve passed 6-0.

9:51 am – meeting adjourned.

Opportunity Zone Development Property

Boulevard Mall | 60-acres | Amherst, NY



Transform a shopping mall property into a vibrant, mixed-use, walkable community for both longtime, new, and future residents.



PROPERTY FEATURES

- Located in a 900-acre Federal Opportunity Zone featuring 1,400 parcels
- A designated transit-oriented development site and potential station site for the expansion of the NFTA light-rail, currently being planned and analyzed by the NFTA
- Zoning and land use are transforming from suburban big box retail to dense, pedestrian friendly, mixed use
- Located on high-traffic Niagara Falls Boulevard, between Maple Road and Sheridan Drive
- Property, Sale Tax Exemptions and PILOT Increment Financing available for qualified applicants





The property is near the University of Buffalo, which is experiencing growth and strong demand for off campus housing. The University, which enrolls nearly 30,000 students, just enrolled its largest freshman class.

The 60-acre Boulevard Mall site is a generational opportunity to transform a shopping mall property into a vibrant, walkable place supported by attractive new development that enhances the existing neighborhood. Its location along Niagara Falls Boulevard, one of the most significant thoroughfares in Erie County, enables this site to not only be a regional destination but also create an entirely new type of living experience. The reinvention of this area seeks to evoke the ambiance of an old town center in form and function with all the modern amenities desired in today's changing market.

Creation of an interior street network with smaller, walkable blocks throughout the site allows for connectivity between businesses, residents, and the surrounding community. This grid network of public streets will enhance mobility through various transportation options to accommodate pedestrians, bicyclists, automobiles, and public transportation, along with amenities and streetscape elements for pedestrian safety. New zoning allows for greater density and height while creating a traditional "Main Street" feeling and inviting environment. The potential for a light rail extension along Niagara Falls Boulevard and Maple Road also enables enhanced mobility and encourages transit-oriented development.

CONTACT

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Developing a New Downtown Amherst, NY

Town of Amherst, NY seeks a development partner to transform the Boulevard Mall into a town center with the modern amenities desired in today's changing market. The objective is to create a regional destination that also provides an entirely new type of living experience for today's population.

CREATE A VIBRANT NEW "PLACE" IN AMHERST THAT FEATURES:

- An interior street network with smaller, walkable blocks throughout that provides connectivity between businesses, residents, and the surrounding community
- Several housing options, including various forms of multi-family residential
- Increased density in a vertical form with a mix of uses that provide convenient working, shopping, recreation, and living options
- Public amenities such as parks and community spaces with scheduled events and year-round programs
- A variety of destinations that include restaurants, retail, medical services, entertainment, grocery, and more, all within walking distance



Authority Mission Statement and Performance Measurements-2018 Report

Name of Public Authority: Town of Amherst Industrial Development Agency (AIDA)

Mission Statement: To promote economic diversity and quality employment opportunities, and to broaden the tax base of the Town of Amherst in order to reduce the tax burden on homeowners, while helping to maintain and enhance a high-quality living environment.

Date Reaffirmed: March 29, 2019

List of Performance Goals:

Goal #1: *Increase private investment and employment opportunities*

Measured by: (1) Value of new private investments from tax incentives for new and existing Town of Amherst companies; (2) New and retained employment opportunities for new and existing Town of Amherst companies

In 2018, 71 active AIDA projects produced a total of 13,215 new and retained jobs. On a “cost” per job basis, \$719 in tax incentives was provided for every job retained or created. These projects totaled \$9,507,927 in total exemptions in 2018.

A full accounting of the entire *AIDA Portfolio* is attached at the end of this report.

The projects listed below were approved and/or had active investment in 2018.

Lease Transaction

	<u>Approved</u>	<u>Investment</u>	<u>2018 Activity</u>
2500 Kensington, LLC/Shatkin FIRST	4/17	\$ 5,509,279	Investment Underway
Strategic Financial Solutions	12/18	\$ 1,150,000	Project Complete
Bureau Veritas Building Expansion	8/17	\$ 6,975,000	Construction Begun
Cubic Transportation Systems	12/18	\$ 1,150,000	Investment Underway
Northtown Center Tourism Hotel	7/18	\$14,375,537	Construction Underway

Installment Sales

Bureau Veritas Consumer	8/17	\$ 2,140,000	Investment Underway
BlackRock – Tech.	8/14	\$32,800,000	Annual Investment
M & T Bank Data Ctr. – Tech.	7/11	\$85,000,000	Annual Investment
Ingram Micro, Inc.	7/13	\$11,000,000	Project Complete

2nd Mortgage Transaction

Iskalo 5000 Main LLC	2/18	\$ 820,000	Closed
Iskalo 5010 Main LLC	5/18	\$ 1,180,000	Closed
RHDK Enterprises	5/18	\$ 1,432,000	Closed

Mortgage Refinancing

Uniland Partnership	2/18	\$ 401,278	Closed
Iskalo Office Holdings	8/18	\$ 1,059,333	Closed
Prime Wine Corp.	12/18	\$ 69,220	Closed

Lease or Project Modifications

1097 Group LLC	5/18	1350 Eggert Road – Partial Release of Premises
3500 Sheridan Drive LLC	10/18	Assignment of Sublease
45 Bryant Woods LLC	11/18	Merger of Company

Goal #2: Support Projects that increase taxable assessment and generate new property taxes

The AIDA conveyed title on three properties in 2018 with a combined taxable assessment over \$6.8 million. Now fully taxed, these projects will pay an estimated \$185,030 in Town, County and School taxes based on 2018 tax rates. We know from previous analysis, that AIDA assisted properties continue to increase in value after a PILOT expires. A listing of these three properties is at the end of this report.

In addition to these taxes, the AIDA currently has 75 properties under PILOT, which generated nearly \$6 million in tax payments broken down as follows:

Town	\$785,002
County	\$848,445
Village	\$11,431
Special Districts	\$669,808
School Districts	<u>\$3,598,022</u>
TOTAL	\$5,912,708

Goal #3: Implement Agency Policy and Practices that improve operations and advance its Mission

Measured by: Number and value of improvements to advance operation and Mission of the AIDA.

1. Shared Services Agreement – Modified the existing agreement between the AIDA and ADC that would allow retention of funds in the ADC, pending reimbursement of expenses performed by the AIDA and its staff.

Goal #4: Support implementation of economic development initiatives that maintain and enhance a high quality living environment in the Town of Amherst, Village of Williamsville and the Region

Measured by: (1) Number of meaningful collaborative efforts with Town of Amherst, Village of Williamsville and Region on development initiatives.

1. Boulevard Mall/Opportunity Zone (OZ) - Amherst’s OZ is a large triangular geography encompassing approximately 900 acres that begins at the nexus of Niagara Falls Boulevard and the I-290 and spreads South and East until the North side of Sheridan Drive. Planning work commenced in 2018 including developing a scope for Generic Environmental Impact Statement for this entire area that would permit a mix of uses and intensity of development and define a list of financial incentives that spurs the kind of change envisioned in the comprehensive plan and zoning changes under consideration. This area as well as Niagara Falls Boulevard North of the OZ, was the focus of a Congress for New Urbanism Event supported by the Agency.

2. Downtown Revitalization Grant - The AIDA collaborated with the Town on seeking a \$10 million State grant for infrastructure in Eggertsville, specifically the area from the Boulevard Mall to Kenmore Avenue. A menu of funding within the grant request ranged from sewer upgrades including green infrastructure, to sidewalk and streetscape improvements, including the reintroduction of streets into the current shopping plazas. A video was developed to strengthen the application.
3. Amherst Central Park/Local Waterfront Revitalization Plan – The AIDA is on the steering committee that overseeing a state land use process centered on protecting and defining land use on waterfront property. Included in the study area are lands along Tonawanda Creek, the Erie Canal, Audubon and Northtown Center, and the former Westwood Country Club. The committee completed a series of tours and finalized a public participation plan and a summary of findings.
4. Countywide Eligibility Policy – The AIDA, in conjunction with the other five (5) IDAs in Erie County, developed a working draft that reflects changes required by NYS Statute. This effort is expected to result in a final document in 2019.
5. Amherst Rezoning Project – The AIDA is on the Technical Advisory Committee modernizing the zoning of commercial centers and nodes through the Town of Amherst. After a reset of the project, work is expected to be completed in 2019.
6. Adaptive Reuse Policy Review – The AIDA participated on a steering committee that reviewed the Erie County IDAs Adaptive Reuse Policy, which will impact that section of the Countywide Policy. The focus expanded to housing as a component or stand-alone of a redevelopment project in 2018.
7. Amherst-Buffalo Transit Study - The AIDA sits on the advisory committee for this effort. The preferred option details an underground route from the South Campus Station emerging on Niagara Falls Boulevard and traveling above ground to Maple Road, SUNY Amherst and terminating at the I-990. Visuals and public outreach meetings by the NFTA occurred. An Environmental Review has begun and is expected to be completed in 2019.

PROPERTIES OUT OF AIDA AND ON TAX ROLLS IN 2018

<u>Address</u>	<u>Current Assessed Value</u>
3650 Millersport Hwy	\$4,380,000
168 Creekside	\$1,400,000
59 John Glenn	<u>\$1,030,000</u>
	\$6,810,000

**RESOLUTION OF THE TOWN OF AMHERST
INDUSTRIAL DEVELOPMENT AGENCY GRANTING
CONSENT TO THE SUB-SUBLEASE OF A PORTION OF
6363 MAIN STREET, BY NATIONAL FUEL GAS
COMPANY, AS SUBLESSEE, TO RELIANT CAPITAL
SOLUTIONS, LLC, AS SUB-SUBLESEE, IN
CONNECTION WITH THE 1994 RANDALL BENDERSON
1994-2 TRUST PROJECT**

WHEREAS, the Town of Amherst Industrial Development Agency (the “Agency”) is authorized under the laws of the State of New York, and in particular the 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; and

WHEREAS, to accomplish the purposes of the Act, Agency previously induced Tops Markets, Inc. to commence with the acquisition of an approximately 13.67 acre parcel of land and the construction of an approximately 200,981 square foot office building (the “Facility”) thereon located at 6363 Main Street in Amherst, New York together with the acquisition and installation of any equipment required in connection therewith, and to locate the Facility within the Town of Amherst to be leased to Tops Markets, Inc.; and

WHEREAS, Tops Markets, Inc. proceeded with the construction of the Facility and the Agency took title to the Facility on July 15, 1994 pursuant to deed recorded on July 18, 1994 in the Erie County Clerk's Office in Liber 10874 of Deeds at Page 2813 and leased the Facility to Tops Markets, Inc. pursuant to Interim Lease Agreement dated as of July 1, 1994; and

WHEREAS, the Agency consented to the acquisition by The 1994 Randall Benderson 1994-2 Trust (“Lessee”) of the leasehold interest of Tops Markets, Inc. in the Facility and the assumption by the Lessee of the obligations therein pursuant to the Assignment and Assumption Agreement dated November 9, 1994 between Tops Markets, Inc. and the Lessee and Lessee's acquisition of such leasehold interest; and

WHEREAS, the Agency leased the Premises to the Lessee pursuant to an Agency Lease Agreement dated November 9, 1994 with respect to the Premises (the “Agency Lease Agreement”); and

WHEREAS, on April 9, 2003, the Lessee sublet the Facility to National Fuel Gas Company (“National Fuel”); and

WHEREAS, National Fuel has informed the Agency that National Fuel intends to enter into a sub-sublease transaction pursuant to which National Fuel will sub-sublet 22,812

square feet of useable square feet located in Suite One of the Facility, together with a license to use 228 parking spaces (the “Sub-Subleased Premises”) to Reliant Capital Solutions, LLC (the “Sub-Sublessee”) pursuant to a certain Sub-Sublease by and between National Fuel and the Sub-Sublessee (the “Sub-Sublease Transaction”); and

WHEREAS, Section 9.3 of the Agency Lease Agreement provides that a sublease of any portion of the Facility requires the prior approval of the Agency, which approval will not unreasonably be withheld or delayed.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

1. The Agency hereby consents to the sub-sublease of the Sub-Subleased Premises to Reliant Capital Solutions, LLC.
2. The Agency is authorized to enter into such agreements, assignments and other documents as necessary in connection with the Agency’s granting of its consent to the Sub-Sublease Transaction, each in the form presented to and approved by Agency counsel.
3. The Chairman, Vice Chairman, Treasurer, Secretary, any Assistant Treasurer or Assistant Secretary and the CEO/CFO of the Agency are each individually authorized to execute and deliver such agreements, assignments and other documents as necessary in connection with the Agency’s granting of its consent to the Sub-Sublease Transaction and to take such actions as may be necessary to effectuate the transactions contemplated by this resolution.
4. This resolution shall take effect immediately.

ADOPTED: March 29, 2019

