

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 523rd Meeting
April 23, 2021 – 8:30 am
James J. Allen Boardroom
Agency Offices, 4287 Main Street

Due to the Covid-19 Pandemic and pursuant to Governor Andrew Cuomo’s Executive Order No.202.1, the Amherst IDA Board of Directors meeting was conducted through Zoom.com and live streamed at www.AmherstIDA.com. In physical attendance at the meeting at AIDA offices was Executive Director David Mingoia. A video recording of the meeting can be accessed and viewed at www.AmherstIDA.com.

PRESENT via Zoom.com: Carlton N. Brock, Jr.
William Tuyn
Anthony Agostino
Hon. Timothy J. Drury
Philip Meyer
Hadar Borden
Frank L. LoTempio
Kevin J. Zanner, Hurwitz & Fine PC

GUESTS via Zoom.com: Jacqueline Berger, TOA Councilmember
AIDA Staff
Mike Jackson, Amherst Solar
Stefan Gassner
Dan Leary
Sean Hopkins
Tom Burr
Stephen Watson, Buffalo News

Chairman Carlton N. Brock, Jr. called the meeting to order.

MINUTES

Upon a motion by Timothy Drury, seconded by Hadar Borden and unanimously carried, the minutes of the March meeting were approved as presented.

BILLS & COMMUNICATIONS

The board was provided a copy of the Town of Amherst 2021 PILOT Exemption Report which found that the PILOTs collected in 2021 were in order and that there were no reportable findings. There were no comments.

TREASURER’S REPORT

Upon a motion by Hadar Borden, seconded by Frank LoTempio and unanimously carried, the Treasurer’s Report for March 2021 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 RPOERTS

There were no Committee Reports presented at this meeting.

UNFINISHED BUSINESS

There was no Unfinished Business presented at this meeting.

NEW BUSINESS

I. Authorization Resolution – York Acquisitions, LLC (Aspen Heights)

Aspen Heights, through York Acquisitions LLC, is proposing to construct and manage an \$83,273,930, multi-phase student housing development on the Muir Woods parcel to include 830 beds in cottage/townhome style units. The developer is faced with preliminary estimates of \$5,000,000 in extraordinary off-site public benefit infrastructure expenses as directed by the New York State Department of Transportation and others. Included in these costs is a design allowance for a future NFTA-Metro Light Rail or Enhanced Transit Stop. Construction costs, through material and labor increases caused by the pandemic, impact the feasibility of the project.

The proposed project is a deviation from the uniform tax exemption policy and leverages a payment in lieu of tax (PILOT) arrangement to mitigate extraordinary expenses not limited to roadway widening, traffic circle, water and sewer extensions and electric utility infrastructure. Any project proposed for this site would require similar off-site infrastructure. Upon construction, the public infrastructure improvements will be transferred to the requisite entities.

Executive Director Mingoia presented the board with a detailed Project Profile and Cost Benefit Analysis associated with this project.

Frank LoTempio made motion to approve the York Acquisitions, LLC project. William Tuyn seconded the motion. There was discussion. A roll call was taken to approve the York Acquisitions, LLC project:

Brock – aye
Agostino – aye
Tuyn – aye
Meyer – aye
Drury – aye
Borden – aye
LoTempio – aye

Motion to approve passed 7-0

II. Authorization Resolution – Amherst Community Solar LLC

The applicant is seeking to install and operate an \$8,568,400, 5 MW community solar farm on 22 acres of leased land at 595 Schoelles Road. The renewable electricity generated by the system is fed directly into the local utility distribution system, where it can then be purchased by area homes and businesses as credits against their electricity bill. The expected electric generation capacity of this project is enough to power approximately 850 homes.

This project meets NY's Climate Leadership and Community Protection Act which includes 70% renewable energy generation by 2030 with a goal of a zero-emissions electricity sector by 2040. General Municipal Law contains language specifically to IDAs and renewable sources as eligible projects. The New York State Energy Research and Development Authority issued a guidebook and guidelines for siting and incentivizing solar facilities. The town introduced solar law zoning and determined which sites were suitable, mainly properties that have little market value for other uses. Solar on this site also allows other agricultural related uses such as sheep grazing and pollinating plants.

IDAs play an important role as we manage the project on behalf of all taxing jurisdictions. Under state law, solar projects are exempt from property taxes but for negotiated local PILOTS. The Amherst IDA is managing this on behalf of the taxing jurisdictions for the term of the tariff agreement. Amherst Community Solar is required per the Town's Zoning Approval to provide a performance bond to remove the solar panels after the useful life of the project is complete.

Executive Director Mingoia presented the board with a detailed Project Profile and Cost Benefit Analysis associated with this project.

Frank LoTempio made a motion to approve the Amherst Community Solar LLC project. Hadar Borden seconded the motion. There was discussion. A roll call was taken to approve the Amherst Community Solar LLC project:

Brock – aye
Tuyn – aye
Agostino – aye
Meyer – aye
Drury – aye
Borden – aye
LoTempio – aye

Motion to approve passed 7-0

9:09 am – Frank LoTempio made a motion to adjourn the meeting. Hadar Borden seconded the motion. The motion to adjourn was unanimously carried.