

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

The Town of Amherst Industrial Development Agency will hold a public hearing on Thursday, July 11, 2024 commencing at 8:30 a.m. at the Agency's offices located at 4287 Main Street, Amherst, New York 14226, to consider proposed financial assistance requested of the Agency with respect to the following project:

Iskalo Spring Street LLC, on behalf of itself or an affiliate, subsidiary or other entity formed or to be formed (the "Applicant"), has submitted an application to the Agency requesting the Agency to undertake a certain project (the "Project") consisting of: (a) the acquisition of a leasehold interest in property located at 26 W. Spring Street and a portion of 34 W. Spring Street in the Village of Williamsville, New York (the "Premises"); (b) the adaptive re-use of a vacant, outdated office building for conversion to multi-family use consisting of 6 townhouse style apartments and 2 single-level apartments for a project totaling approximately 11,200 square feet, along with improvements to the common parking lot presently servicing 26 and 34 W. Spring Street (collectively, the "Improvements"); and (c) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment"). The total cost of the Project is an amount up to \$2,482,000. The Project is located in the Williamsville Central School District.

The Agency contemplates that it will provide financial assistance for qualifying portions of the Project in the form of a sales tax exemption, mortgage recording tax exemption and real property tax exemption on qualifying Improvements and Equipment. 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.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

**NOTICE OF DEVIATION
FROM THE
COUNTYWIDE INDUSTRIAL DEVELOPMENT AGENCY
UNIFORM TAX EXEMPTION POLICY,
AMENDED AND RESTATED AS OF APRIL 1, 2022 (“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 located in Erie County prior to the Town of Amherst Industrial Development Agency (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

ISKALO SPRING STREET LLC, on behalf of itself or an affiliate, subsidiary or other entity formed or to be formed (the “Applicant”), has submitted an application to the Agency requesting the Agency to undertake a certain project (the “Project”) consisting of: (a) the acquisition of a leasehold interest in property located at 26 W. Spring Street and a portion of 34 W. Spring Street in the Village of Williamsville, New York (the “Premises”); (b) the adaptive re-use of a vacant, outdated office building for conversion to multi-family use consisting of 6 townhouse style apartments and 2 single-level apartments for a project totaling approximately 11,200 square feet, along with improvements to the common parking lot presently servicing 26 and 34 W. Spring Street (collectively, the “Improvements”); and (c) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the “Equipment”). The total cost of the Project is an amount up to \$2,482,000. The Project is located in the Williamsville Central School District.

Proposed Financial Assistance

The Agency contemplates that it will provide financial assistance for qualifying portions of the Project in the form of (i) a sales and use tax exemption on sales taxable purchases in an amount up to \$388,320.00; (ii) a mortgage recording tax exemption on one or more mortgages in the aggregate principal amount of \$2,000,000; and (iii) a ten (10) year partial abatement of real property taxes pursuant to a payment in lieu of real estate tax agreement (“PILOT Agreement”) as described below.

Deviation From the UTEP

The proposed financial assistance for the Project constitutes a deviation from the UTEP because the proposed ten-year term of the PILOT Agreement exceeds the five-year term for which the Project would ordinarily qualify, based on the Agency’s completion of the PILOT Determination Scoring Worksheet described in Article II of the UTEP. The Agency is willing to consider a ten-year PILOT for the Project because the Applicant has provided certain information regarding the financial feasibility of the Project and its impact on the redevelopment of the commercial

building located at 34 W. Spring Street and the vacant property at 42 W. Spring Street, both of which are directly adjacent to the Project site (the “Phase II Project”). The Applicant will undertake the Phase II Project no later than prior to the beginning of the sixth year of the PILOT schedule (the “Phase II Redevelopment Commitment”). In the event the Applicant does not satisfy the Phase II Redevelopment Commitment, the term of the PILOT Agreement will be reduced to five years and terminate at the end of the initial five-year period. No commitment has been made by the Agency to provide incentives to the Applicant to undertake and complete the Phase II Project. Subject to the foregoing, the Agency and the Applicant propose to enter into PILOT Agreement with annual abatement percentages in accordance with the following Tier 3 PILOT schedule:

Year	Abatement Percentage
1	95%
2	90%
3	85%
4	85%
5	80%
6	80%
7	75%
8	75%
9	70%
10	65%

The PILOT Agreement will have a term of ten years and the abatement will apply only to the increase in taxable assessment over what the property is currently paying. Payments in lieu of taxes will 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 tax exempt due to the status of the Agency.

In reviewing 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 not expected to create any permanent private sector jobs.

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 \$33,978.00. The estimated value of the mortgage recording tax benefit is an amount up to \$15,000.00. The estimated value of the real property tax benefit is \$347,286.00.

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 termination of financial assistance, including potential recapture of benefits previously received in the event the Applicant does not adhere to the Agency's standard material terms and conditions governing the receipt of financial assistance. Specifically, the PILOT Agreement will also include a provision for early termination of the PILOT Agreement if the Applicant does not satisfy the Phase II Redevelopment Commitment.

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

The impact of the Project will be positive. This is an adaptive reuse project that will help prevent economic deterioration through the redevelopment of an underutilized and vacant office building. The multi-family apartments will provide tenants with the opportunity to live close to their places of employment, thereby promoting employment opportunities within the Village of Williamsville and Town of Amherst.

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 \$2,481,868.

6. The demonstrated public support for the Project.

The Village of Williamsville has expressed its support for the Project. Site Plan approval of the Project was granted on June 3, 2024.

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 fall of 2024, with anticipated completion in spring of 2025.

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

The Village of Williamsville determined that the Project constituted a Type II action pursuant to the State Environmental Quality Review Act (SEQRA). There will be no changes to the footprint of the building being renovated.

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 will install energy efficient appliances in the units.

10. The extent to which the proposed Project will require the provision of additional services including, but not limited to, additional 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 a vacant and obsolete office building. 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

Hon. Christine L. Hunt, Mayor
Village of Williamsville
5565 Main Street
Williamsville, New York 14221

Dr. Darren J. Brown-Hall, Superintendent
Williamsville Central School District
105 Casey Road
East Amherst, New York 14051

Ms. Lynn Carey
School District Clerk
Williamsville Central School District
105 Casey Road
East Amherst, New York 14051

Industrial Development Agencies:

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

Town of Lancaster Industrial Development Agency
Town Hall, 21 Central Avenue
Lancaster, New York 14086
Attn: Kevin Lemaster, 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