

NIAGARA COUNTY CENTER FOR ECONOMIC DEVELOPMENT

PUBLIC HEARING

In the Matter

of

160 East Avenue, LLC

LOCATION: LOCKPORT MUNICIPAL BUILDING  
One Locks Plaza  
Lockport, New York 14094

DATE: December 10, 2010

TIME: 3:45 p.m.

REPORTED BY: KELLY MAJCHRZAK

1 Present: Susan Langdon  
Jane Whitmore  
2 Jim Filipertis  
Jad Kwoka  
3 Tara Boone  
Dawn Abate  
4 Joe Olgnek  
Mike Tucker  
5

6 MS. LANGDON: I think we'll get  
7 started. I think everyone has signed the  
8 attendance sheet. If you haven't, please do so  
9 after the Public Hearing, even if you don't wish  
10 to comment.

11 Good afternoon. My name is Susan  
12 Langdon, project manager for the Niagara County  
13 Industrial Development Agency. I will be  
14 serving as Public Hearing Officer for this  
15 Public Hearing. It is now 3:45 p.m.

16 The purpose of this hearing is to  
17 solicit comments, both written and oral on the  
18 160 East Avenue, LLC, City of Lockport, New York  
19 project. Comments can be in support of or in  
20 opposition to, or on the nature or location of  
21 the project. All comments are to be limited to  
22 the 160 East Avenue, LLC project. This hearing  
23 is not for accepting comments on any

1 environmental issues, nor environmental  
2 determination, and this is not a part of the New  
3 York State SEQRA process. I will now read the  
4 Notice of Public Hearing.

5 Notice is Hereby Given that a public  
6 hearing pursuant to Article 18-A of the New York  
7 General Municipal Law will be held by the  
8 Niagara County Industrial Development Agency  
9 (the "Agency") on the 10th day of December, 2010  
10 at 3:45 p.m., local time, at City of Lockport  
11 Municipal Building, One Locks Plaza, Lockport,  
12 New York, in connection with the following  
13 matter:

14 160 EAST AVENUE, LLC, for itself or on  
15 behalf of an entity formed or to be formed (the  
16 "Company"), has submitted an application to the  
17 Agency, a copy of which is on file at the office  
18 of the Agency, requesting that the Agency  
19 consider undertaking a project (the "Project")  
20 consisting of: (A) the acquisition or retention  
21 by the Agency of title to or a leasehold or  
22 other interest in an approximately 11,800 square  
23 foot parcel of land known as 160 East Avenue in

APEX REPORTING, INC.  
(716) 854-8900

1 the City of Lockport, Niagara County, New York  
2 (the "Land") together with the existing vacated  
3 buildings thereon (the "Existing Improvements");  
4 (B) the renovation of the Existing Improvements  
5 to be used as office space for a medical office  
6 practice and ambulatory service facility (the  
7 "Improvements"); and (C) the acquisition of and  
8 installation in and around the Improvements of  
9 certain related equipment and items of personal  
10 property (the "Equipment" and, collectively with  
11 the Land, Existing Improvements and the  
12 Improvements, the "Facility").

13 The Agency will acquire (or retain)  
14 title to, or a leasehold interest in, the  
15 Facility and lease the Facility back to the  
16 Company. The Company will operate the Facility  
17 during the term of the lease. At the end of the  
18 lease term, the Company will purchase the  
19 Facility from the Agency, or if the Agency holds  
20 a leasehold interest, the leasehold interest  
21 will be terminated. The Agency contemplates  
22 that it will provide financial assistance to the  
23 Company for qualifying portions of the Project

1 in the form of sales and use tax exemptions and  
2 a mortgage recording tax exemption, consistent  
3 with the policies of the Agency, and a partial  
4 real property tax abatement.

5 A representative of the Agency will be  
6 at the above-stated time and place to present a  
7 copy of the Application and hear and accept  
8 written and oral comments from all persons with  
9 views in favor of or opposed to the proposed  
10 financial assistance.

11 This public hearing is being conducted  
12 in accordance with Subdivision 2 of Section  
13 859-a of the New York General Municipal Law.

14 Dated November 8, 2010, Niagara County  
15 Industrial Development Agency, Samuel M. Ferraro  
16 Executive Director.

17 I will now open the hearing for  
18 comments. Please remember to give your name,  
19 address and name of organization you represent.  
20 Direct all comments to the chair, and your  
21 comments should be made on this project only.

22 Anyone wishing to speak?

23 MS. W: My name is Jane Whitmore. I

1 was just wondering how long is this property tax  
2 exemption enforced?

3 MS. LANGDON: It will be for ten years.

4 MS. W: Why?

5 MS. LANGDON: That's the incentive The  
6 Agency is proposing to give to The Company. A  
7 partial tax abatement. It's not off the tax  
8 roles.

9 MS. W: I understand that. But ten  
10 years? This is a different era. What if they  
11 go out of business and move elsewhere? What  
12 happens to the property?

13 MS. LANGDON: The property goes back on  
14 the tax roles.

15 MS. W: Do they not control the use,  
16 The Applicant?

17 MS. LANGDON: Yes.

18 MS. W: Say they leave for another  
19 facility in five years. Do they still not have  
20 control of that property for the five remaining  
21 years of their property tax abatement?

22 MS. LANGDON: They do, but if they're  
23 not using it for the intent and purposes that

1 we've given them, then it goes on the tax role  
2 in full property tax.

3 MS. W: How long does that take before  
4 it gets back in the tax role?

5 MS. LANGDON: Immediately, if we find  
6 they're in default of the closing documents and  
7 covenants, then it goes right back on.

8 MS. W: Can you give me examples of  
9 other properties where the NCIDA has, after X  
10 number of years has passed, the properties come  
11 back on the community tax roles?

12 MS. LANGDON: We're really here to talk  
13 about this project.

14 MS. W: I know you are, but ten years  
15 to me is too long.

16 MS. LANGDON: That's the standard  
17 length of --

18 MS. W: Yes, but who says it's  
19 standard?

20 MS. LANGDON: It's standard for the  
21 Niagara County Industrial Development Agency.

22 MS. W: Yes, but this is a new era.  
23 Ten years is too long. My suggestions is it

1           should be for five years only.

2                       MS. LANGDON: Okay. Thank you. Anyone  
3 else?

4                       MR. F: Jim Filipertis. It will help  
5 revitalize downtown. Forty-two years ago I went  
6 there. My Dentist, Dr. Castle, was there. My  
7 parents took me there when I was about eight  
8 years old. The parking lot was full of cars.  
9 We used to stop downtown and shop. I don't go  
10 downtown that often, but if I had to go here to  
11 one of the physicians, I'm sure I'd stop at a  
12 coffee shop or somewhere downtown.

13                      Also, my sister lives behind me, and  
14 she would like to see -- the place has been  
15 empty for 25 years. It would be an improvement  
16 to the neighborhood. If you drive out to  
17 Davidson Road and you look at the medical  
18 offices out there, everything is landscaped, you  
19 have lawn service, it's all lit up, there's  
20 security. I think it was help the neighborhood.

21                      MS. LANGDON: Thank you. Anyone else?

22                      MS. W: Maybe I should clarify. This  
23 has nothing to do personally with The Applicant.



1           It's with the system, because I've been a  
2           patient of Dr. Schratz, and I'm very impressed  
3           with the way he, his wife, and family have been  
4           involved in the local community. It's the  
5           Industrial Agency which I feel has to change its  
6           direction.

7                       MS. LANGDON: Thank you. Anyone else  
8           wishing to speak? If no one else wishes to  
9           speak, it is now 3:55, and I will close the  
10          hearing. Thank you for attending.

11                       \*     \*     \*     \*     \*

12

13

14

15

16

17

18

19

20

21

22

23

1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4

5 I, KELLY MAJCHRZAK, a Notary Public in  
6 and for the State of New York, County of Erie,  
7 DO HEREBY CERTIFY, that the proceedings were  
8 taken down by me in a verbatim manner by means  
9 of Machine Shorthand on December 10, 2010,  
10 that the proceedings were taken to be used in  
11 the above-entitled action.

12 I further CERTIFY that the  
13 above-described transcript constitutes a true,  
14 accurate and complete transcript of the  
15 testimony.

16

17

18

19

20

KELLY MAJCHRZAK  
Notary Public

21

22

23

APEX REPORTING, INC.  
(716) 854-8900

