

NIAGARA COUNTY CENTER FOR ECONOMIC DEVELOPMENT

PUBLIC HEARING

In the Matter

of

DIMAX, LLC

LOCATION: PENDLETON TOWN HALL
6570 Campbell Boulevard
Lockport, New York 14094

DATE: April 13, 2010

TIME: 3:30 p.m.

REPORTED BY: KELLY MAJCHRZAK

2

1 Present: Lawrence Witul
Susan Langdon
2 William Kraft
3 Rick McIntosh
Karen Manning
4 Darya Vaillamcourt
Jim Riester
5

6 MR. WITUL: Would everyone please sign

7 in, even if you do not wish to comment.

8 Good afternoon. My name is Lawrence
9 Witul. I'm the Assistant Director of the
10 Niagara County Industrial Agency. I will be
11 serving as the hearing officer for this public
12 hearing. It is now 3:30 p.m.

13 A copy of the project summary is
14 available for review. The purpose of this
15 hearing is to solicit comments, both written and
16 oral, in the Dimax, LLC Project in Pendleton,
17 New York. Comments can be in support of or in
18 opposition to the project, or on the nature or
19 location of the project, but all comments are to
20 be limited to the Dimax, LLC Project.

21 This hearing is not for accepting
22 comments on any environmental determination, and
23 this is not a part of the New York State SEQRA

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1 process.

2 Niagara County Industrial Development
3 Agency Notice of Public Hearing: Notice is
4 hereby given that a public hearing pursuant to
5 Article 18-A of the New York General Municipal
6 Law will be held by the Niagara County

7 Industrial Development Agency (the "Agency) on
8 the 13th day of April, 2010 at 3:30 p.m., local
9 time, at the Pendleton Town Hall, 6560 Campbell
10 Boulevard, Lockport, New York 14094 in
11 connection with the following matter:

12

13 DIMAX LLC, a New York limited liability
14 company with offices at 43 Hi Point Drive,
15 Lockport, New York 14094, for itself or on
16 behalf of an entity to be formed (the
17 "Company"), has submitted an application to the
18 Agency, a copy of which is on file at the office
19 of the Agency, requesting that the Agency
20 consider undertaking a project (the "Project")
21 for the benefit of the Company consisting of:
22 (A) the acquisition (or retention) by the Agency
23 of fee title to or a leasehold interest in an

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1 approximately 8.6-acre parcel of land located on
2 6150 Donnor Road in the Town of Pendleton,
3 Niagara County, New York (the "Land"), together
4 with the existing approximately 36,000 square
5 foot steel building (the "Existing
6 Improvements"); (B) the renovation of the

7 Existing Improvements and the construction of an
8 approximately 28,000 square foot addition to the
9 Existing Improvements to house the Company's
10 growing business of vintage and classic
11 automotive parts (the "Improvements"); and (C)
12 the acquisition of and installation in and
13 around the Improvements of certain machinery,
14 equipment and items of personal property (the
15 "Equipment" and collectively with the Land, the
16 Existing Improvements and the Improvements, the
17 "Facility").

18 The Agency will acquire (or retain)
19 title to or a leasehold interest in, the
20 Facility and lease the Facility back to the
21 Company, and the Company will sublease the
22 Facility to Mac's Antique Auto Parts, the
23 Sublessee. The Company will operate the

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1 Facility during the term of the lease. At the
2 end of the lease term, the Company will purchase
3 the Facility from the Agency, or if the Agency
4 holds a leasehold interest, the leasehold
5 interest will be terminated. The Agency
6 contemplates that it will provide financial

7 assistance to the Company for qualifying
8 portions of the Project in the form of sales and
9 use tax exemptions and a mortgage recording tax
10 exemption, consistent with the policies of the
11 Agency, and a partial real property tax
12 abatement.

13 A representative of the Agency will be
14 at the above-stated time and place to present a
15 copy of the Application and hear and accept
16 written and oral comments from all persons with
17 views in favor of or opposed to the proposed
18 financial assistance.

19 This public hearing is being conducted
20 in accordance with Subdivision 2 of Section
21 859-A of the New York General Municipal Law.
22 Dated March 8, 2010, Samuel M. Ferraro,
23 Executive Director.

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1 I will open the hearing for comments.
2 Once you've been recognized, please give your
3 name, address and the organization you might
4 represent. We asked that you direct all
5 comments to the chair, and your comments should
6 be limited to this project. Anyone wish to

7 comment at this time?

8 MR. R: My name is Jim Riester,
9 Supervisor of The Town of Pendleton. I'd like
10 to speak in favor of the project. They have
11 been a good corporate citizen in the Town of
12 Pendleton in the last few years. We welcome
13 their expansion.

14 MS. V: I'm Darya Vaillamcourt. I
15 administer the pilot programs from the town. Is
16 this one of the cases where I'm going to have to
17 get a copy of the mortgage agreement?

18 MR. WITUL: You will get a copy of the
19 pilot agreement and the mortgage agreement.
20 You're going to have the unique opportunity to
21 administer two pilots on a single project.

22 MS. V: Will I get two bills? Can I
23 lump them all together in one bill?

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1 MR. WITUL: What's going to happen is
2 the existing facility will be on one schedule,
3 the new facility is going to be on a different
4 schedule. As long as you did the calculations
5 correct, you can put them on a single bill. For
6 your legal protection, you might want to have

7 two of them so the company knows they're
8 structured properly. Not that the company would
9 do anything. You never know what the future
10 holds for anybody. We may have another project
11 in the future.

12 Any other questions?

13 MR. K: My name is William Kraft, Town
14 of Pendleton resident. I speak in approval of
15 the project.

16 MR. WITUL: Thank you very much.
17 Anyone else wish to comment at this time? Then
18 it is now 3:40 p.m. There being no further
19 comment, I will close the hearing. I would like
20 to thank everything for joining us today.

21 * * * * *

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1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

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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 April 13, 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.

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KELLY MAJCHRZAK
Notary Public

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