

**TOWN OF CLARENCE, ERIE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

**MINUTES
OF
MEETING
OF
OCTOBER 16, 2008**

Present:	David C. Hartzell	Paul Leone
	Clayt Ertel	Steven B. Bengart
	Michael Buettner	Nathan Neill
	Scott Bylewski	Pamela Smith
	Jack Willert	Cynthia Rosel

Excused: Mary Powell
Christopher Kempton

Meeting called to order at 8:00 a.m. by Chairman Hartzell.

Mr. Hartzell called on Cindi Rosel to take the roll call. Mary Powell and Christopher Kempton were excused from the meeting.

Public Hearing – 8584 Sheridan Drive Project (Doodle Bugs)

A public hearing was held to consider the request for agency assistance for the 8584 Sheridan Drive Project. Chairman Hartzell opened the public hearing at 8:01 a.m. Paul Leone presented the 8584 Sheridan Drive Project also known as the Cobblestone Center LLC. The project is for a day care facility to be leased to Doodle Bugs Children’s Centers LLC that will be a tenant of Cobblestone Center LLC. The project amount is \$3,120,000 and consists of 5.24 acres of land the construction of an 11, 322 square foot building and equipment. The first year there would be 20 full time and 25 part-time employees adding another 5 jobs in the future. They are also asking for sales tax exemption. The project is in the enhancement zone. The owner, Anthony Insinna and his Attorney, Sunil Bakshi, were present to answer any questions. Mr. Willert asked if the amount was for one building. Mr. Insinna answered that it is. Doodle Bugs will be located in the rear of the project site which will share a common drive off of Sheridan Drive. Mr. Willert also wanted to know who owned the current building on Transit and Sheridan. It is owned by the Al Blooming owner of Frog Hair restaurant that is located next door to the facility. That lease is through March 31 of 2009 and they have an extension through September 2009. The Sheridan Drive project is going through the process with the Town. Mr. Willert asked if they anticipate losing enrollment and Mr. Insinna said that they may lose some but they expect that most children will be transferring to the new facility. Mr. Ertel asked the size of the current location. Mr. Insinna replied that it is 4,000 square feet. Mr. Leone and Mr. Bylewski have been working together on this project. Mr. Bylewski added that he did receive the analysis that was submitted by Mr. Insinna as to the need for such a facility in

Clarence. Mr. Insinna was asked how many children are at the current site and he said that there are 68 and the new site would be 168 children, room for 100 more children. There is no more room at the Transit Sheridan location and they are turning away applicants from the East Amherst site. The Doodle Bugs facilities are spacious with indoor playrooms, computer labs and in general, more space for the children. Mr. Willert inquired about the total cost of the land being included in this application. Mr. Neill said that the land is not part of the abatement; the abatement is only on the building. The other two projects planned for the site may be coming to the CIDA for financial assistance in the future. Nathan Neill added that the SEQR approval by the Town was for the whole site. Mr. Leone asked if there were any other question and there, being none, asked to close the public hearing. Mr. Bylewski moved to close the public hearing with a second by Clay Ertel. There was nothing on the question.

Vote: Ayes: Hartzell, Ertel, Buettner, Bylewski, And Willert. Noes: None
Excused: Powell, Kempton. Motion carried.

MINUTES

Mr. Hartzell asked if everyone had a chance to review the June 30, 2008 Special Meeting regarding the Strategic Plan and if there were any further comments on the minutes. There being none, there was a motion by Scott Bylewski to approve the minutes of the June 30, 2008 meeting with a second by Jack Willert.

Vote: Ayes: Hartzell, Ertel, Buettner, Bylewski, And Willert. Noes: None
Excused: Powell, Kempton. Motion carried.

Mr. Hartzell asked if everyone had a copy of the September 18, 2008 meeting minutes. Scott Bylewski with a second by Clayt Ertel to approve the minutes of the September 18, 2008 meeting. There was nothing on the question.

Vote: Ayes: Hartzell, Ertel, Buettner, Bylewski, And Willert. Noes: None
Excused: Powell, Kempton. Motion carried.

CORRESPONDENCE

Mr. Hartzell asked Cindi Rosel if there was any correspondence and there were public hearing notices from the LIDA and the ACIDA which were e-mailed to the member and there was none that was just received from ECIDA that will be e-mailed to the members. There was also a memo from Karen Jurek, Director of Network Services for the Town of Clarence regarding the website.

Mr. Hartzell discussed the website and upgrading the CIDA site. It would make more sense to use the Clarence website that would no additional cost to the CIDA. Mr. Hartzell reviewed other websites that were on the site and they were presented very nice. There can be pictures placed on the site for the available real estate on the site. Karen can work with Cindi on the updates and the website would not cost anything. Having a consultant would be expensive. Everyone was in agreement to keep the website updates with the Town of Clarence.

Mr. Buettner asked why the Business First does not have the CIDA in. All the other IDA's are listed. Mr. Hartzell was in touch with Business First and they really do not have a legitimate answer. Mr. Ertel will call his contact at the periodical to try to get some answers. Mr. Bylewski added the Legislative Gazette runs ads and when he gets more information, the CIDA may want to run one. The Gazette may run a little blurb the CIDA could be mentioned.

TREASURER REPORT

Mr. Hartzell, in the absence of Chris Kempton, briefly discussed the report. Mr. Leone added that there were additional checks received from the Phoenix Development Project that he brought in today.

Mr. Hartzell also brought up for discussion the 8755 Sheridan Drive Project for which we have not received any payment on. The project was approved in 2006. It was decided that Mr. Leone would call the applicant's representative and a letter sent to follow-up. Mr. Leone has billed on the project three times. Mr. Bengart will send the letter outlining the amounts due and that they may have to make a new application.

The Board decided to wait to approve the Treasurer's report until the next meeting.

NEW BUSINESS

Mr. Leone announced that he will be conducting a seminar on Thursday, October 30, 2008 at 8:00 a.m. at Asa Ransom House for a the Clarence Hollow Association. Elaine Wolf from the Association was present.

Mr. Leone reported that there is a project for ice rinks at the Roll Road Harris Hill Project on the National Gyp site. He was contacted and the proposed applicant was to be present at this meeting. Mr. Bengart reported that there are still some issues that need to be resolved and discussed including sewers. Mr. Bengart suggested that to the proposed applicant that a full blown SEQR should be done on the whole site. Mr. Ertel asked if there was something further that CIDA could do to assist in the sewer issue especially since there are more projects proposed for the site. Mr. Bylewski added that the prospective applicant has been informed that there should be a full blown SEQR done on the full development of the site. The Buffalo Filter project was also briefly discussed and sewers. Mr. Bylewski added that there have been several discussions with others involved regarding the issues but right now there is a roadblock. Mr. Hartzell suggested that Mr. Ertel should consider attending the sewer meeting as liaison to the CIDA. Mr. Bengart said that he next meeting will be on November at the Town Hall.

Mr. Leone is working with Prime Promotions a marketing company dealing mainly in advertising design and print. The company is looking at purchasing the property at 8420 Main Street in the Town of Clarence. The project would be about \$375,000.

Mr. Leone also met with a potential applicant on a new business for sales tax only called Healthy Living Support Network at 8566 Main Street. This is still in negotiations.

Mr. Leone said that he is still working with Buffalo Filter regarding the \$100,000. Mr. Leone also informed them that the CIDA would consider this for infrastructure only and Mr. Bengart spoke to the applicant on the legal ramifications. Mr. Bylewski asked if this was for Palmerton or Dominic Piestrak. Mr. Bengart said it would be for the road into the Industrial Park and not for single project. Mr. Bylewski wanted to be clear on that. Piestrak. Mr. Bengart

Mr. Leone met with all of the auto dealers that are located on Main near Transit. They are proposing extensive renovations and remodeling for that whole area. They will submit the plans for what they are calling a "World Auto Center" and Paul will present it to the Board for consideration at a future meeting. It would be major renovations. Mr. Bylewski added that there has been discussion on that project and he said it may also include the area across the street from Auto Place.

Mr. Leone also informed that Board of the Chamber Alliance meeting on October 24th at the Dr. Eisenberg, Chief Economist for the National

8584 Sheridan Drive Project

Mr. Neill presented the SEQR resolution on the project.

Mr. Neill presented the Inducement Resolution which is for the same site. Cobblestone Center LLC would be the holder of the land and the tenant would be DB-8584 Sheridan LLC (Doodle Bugs). The amount the CIDA would be authorizing is \$3,120,000. Mr. Neill added that there need to be CIDA approval. A motion was made by Michael Buettner to approve the Inducement Resolution for the project with a second by Jack Willert. On the question, Mr. Buettner inquired if the Town of Amherst has to be notified of the move to Clarence. Mr. Leone said that it has already been done and is a normal part of the process when there is relocation. Mr. Willert wanted to know if this approval would cause the negative comments. Mr. Bylewski and Mr. Bengart said that it probably would. Mr. Hartzell said that the CIDA did extensive review of the project. Mr. Bylewski said that the documentation and background details that were provided supported the need for the facility in the Town of Clarence. The project is in an Enhancement Zone. Mr. Bengart added that the Board has met its legal requirements on the project. The Board asked good questions, made a record, asked for and received extensive marketing and analysis documentation and after a thorough review, and showed why the project should be approved. There was nothing further on the question/

Vote: Ayes: Hartzell, Ertel, Buettner, Bylewski, And Willert. Noes: None
Excused: Powell, Kempton. Motion carried.

Assessor Report – Christine Fusco

Ms. Fusco did an analysis chart on the CIDA properties per the request of Mr. Bylewski to give the CIDA a detailed rundown on the existing CIDA's lease versus ownership and at what point they are at for the upcoming 2009 Town/County tax year. She reviewed every lease and every agreement and the major change is in the Benchmark projects. There are several billings on this project

because there are several different tax parcels involved. The CIDA owns the land have to be manually billed not computer generated. She went over the rest of the chart, the pilot payments, what would have been paid at full market value and the savings on the project for Town purposes only. She did get a call on the Benchmark project on the School District billings. Ms. Fusco is going to re-run the numbers for the school and county as a double check. Mr. Neill added that he had a conversation regarding if there is a better way to bill and if it would be better if only one entity prepare the billings. He suggested maybe there should be meeting among the parties to discuss the possibility. There was also a discussion on the name of the projects.

Mr. Hartzell asked if there was any other topic that the Board would like to discuss. He also asked if anyone has any questions for Elaine Wolf who was representing the Clarence Hollow Association and thanked her for coming.

There was some further discussion on the proposed ice rink project. It was asked if Scotty Bowmen has put his name on the project and Mr. Leone said that he has. There was further discussion among the members regarding CIDA involvement.

There being nothing further, Mr. Hartzell adjourned the meeting at 9:08 a.m.

The next meeting will be on November 20, 2008.

Respectfully submitted,

Cynthia M. Rosel