

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

**MINUTES**

**June 20, 2019**

Chris Kempton called the meeting to order at 8:17 a.m.

Chairman Kempton welcomed Peter DiBiase the newest CIDA Board Member to the meeting and thanked Peter DiCostanzo and the Town Board for making the appointment. Mr. DiBiase. This appointment fills the last opening on the Board and brings the CIDA back to 7 members. Mr. Kempton asked Mr. DiBiase to give the Board a little of his background.

Mr. DiBiase was born and raised in Clarence Center. Mr. DiBiase went to UB undergrad where he also earned a Master's in Real Estate Development and is currently working Portfolio Management for Arbor Realty Trust, Inc. Peter added that he is very excited to join the CIDA Board. Mr. Kempton once again welcomed Peter to the Board.

Roll call was taken and present at the meeting were Peter DiBiase, Robert Dixon, Patrick Johnson, Elaine Wolfe, Mary Powell, Clayt Ertel and Chris Kempton. Also, present were Paul Leone, Jennifer Strong, Lawrence Meckler, Steven Bengart, Peter DiCostanzo, Kimberly Ignatowski and Cynthia Rosel.

**Public Hearing – 9074 Main Street-Giovinazzo Group 1951 LLC/Cortese Project**

Mr. Kempton asked for a motion to open the public for the 9074 Main Street Project. There was a motion to open the public hearing on the *9074 Main Street-Giovinazzo Group 1951 LLC/Cortese Project* Patrick Johnson with a second by Clayt Ertel. There was nothing on the question.

**VOTE:** Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Recuse: None Absent: None. Motion Carried.

Chairman Kempton asked Paul Leone to present the project. Mr. Leone introduced the applicant, Dominic Cortese, who will be available for questions from the Board regarding the project.

The project is the 9074 Main Street project. The applicant is requesting financial assistance of the Agency in the form of a lease only or lease with mortgage transaction in an amount not to exceed \$2,025,000. The assistance contemplated by the Agency will include mortgage tax abatement, sales tax exemption on any materials and/or equipment purchased for incorporation into the Project and real property tax abatement in accordance with existing Agency Uniform Tax Exemption Policy and Guidelines, as amended. Giovina220 Group 1951, LLC (the "Lessee") requests assistance in connection with the construction of an approximately 6,500 square foot corporate office and showroom building and a 6,000 square foot warehouse building on a 2.08 acre parcel of land located at 9074 Main Street, in the Town of Clarence, New York to

expand Cortese Construction Services Corp. (the "Sublessee") which is currently out of space and the acquisition and installation of machinery, equipment, furnishings and fixtures required in connection therewith, all for a manufacturing/distribution facility (the "Project"). The Project will allow the Sublessee to expand its current business and maintain their level of sales and employment, making the project affordable with a competitive lease rate and keeping the Sublessee in the Town of Clarence. The Project will be subleased to the Lessee for sub-sublease to the Sublessee which will be the sole occupant of the Project.

An IMPLAN study was done and forwarded to the Board before this meeting for the Board's information. The application and the public hearing notice were also forwarded to the Board before them meeting to assist the Board in making its decision on whether or not to incentivize the project.

Mr. Cortese addressed the Board regarding the project. The business is located on George Urban Blvd. in Depew and has been there since 1978. The business is expanding and is running out of room at the present location...more space is needed. The property at 9074 was for sale and it was decided to move the business to Clarence. The main building will house offices and the display showroom for installation sales of products sales...not direct sales...not retail for residential renovations...kitchen and bathroom remodeling. The detached structure will be the warehouse facility for storage and for the vehicles. Mr. Leone had a rendering of the project which has been tweaked since.

Mr. Bengart wanted to say for the record that the project is presently in the Planning Board and is in the SEQR Project. The project will not be approved today but hopefully at the July meeting.

Mr. Dixon asked what they are going to do with the present building on George Urban in Depew. Mr. Cortese answered that the property will have to be rented. Mr. Leone said that there has already been interest in the Depew Building.

There being nothing further, it was decided that the public hearing will remain open until the July meeting. There was motion to adjourn the public hearing by Clayt Ertel with a second by Elaine Wolfe. There was nothing on the question.

**VOTE:** Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Recuse: None Absent: None. Motion Carried.

**Minutes of May 16, 2019.**

There was a motion to accept the meeting minutes of the May 16, 2019 meeting by Elaine Wolfe with a second by Robert Dixon. There was nothing on the question.

**VOTE:** Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Recuse: None Absent: Motion Carried

## **Treasurer's Report**

Patrick Johnson gave the financial report through June 20, 2019 reporting on the balances in the checking and money market accounts. Since the last meeting, revenues received were in the amount of amount of \$500 for the public hearing and administration fees for the 9074 Main Street Project; expenses incurred were in the amount of \$2,043.05. The total revenues received to date are \$32,223.89 and total expenses to date are \$28,443.05. Interest received to date is in the amount of \$6,840.55. To date there is a net income of \$10,621.39.

There was a motion to accept the Treasurer's Report by Elaine Wolfe with a second by Robert Dixon. There was nothing on the question.

**VOTE:** Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Recuse: None Absent: Motion Carried

## **Correspondence.**

Ms. Rosel reported that Mr. Kempton received a letter from Senator James Skoufis, the Chair of the State of New York Senate Investigations and Government Operations Committee. The Committee is investigating compliance with the Public Authorities Reform Act and the NY State General Municipal Law. There is a list of what they are looking from the CIDA. Mr. Leone has a template that the NYSEDC.

It is due by the end of June 28, 2019. Mr. Meckler has gone over the questionnaire. Mr. Meckler suggested that a request be made for an extension.

Ms. Rosel also let the Board know that the representative from the State Comptroller's office has been coming in and will be here for three days next week. Mr. Lin also said that he will be here for about 2 months.

Ms. Rosel also let the Board know that the letters went to the Mayor of Depew and the Supervisor of the Town of Cheektowaga that Cortese Construction will be relocating to the Town of Clarence. There has been no response from either.

## **New Business.**

Mr. Leone has an inquiry from a company that is looking at purchasing a building at 8600 Sheridan Drive for manufacturing dental items such as crowns and other dental items. It will not be a dental office. Mr. Leone does not have an application at this time. The company was just making an inquiry.

Mr. Leone received another inquiry from an architect regarding 8855 Sheridan Drive. Mr. Leone will speak with Jennifer Strong regarding the eligibility of an Architectural project. Mr. Leone is keeping the Board apprised of any inquiries. Certain types of offices are allowed. They will look at the policy.

**Old Business.**

None.

**Items not on the Agenda.**

Mr. Kempton said the State Legislature is winding down its session. There is a law that is being proposed regarding prevailing wage on private projects that are eligible for public benefits. This would directly affect IDA's.

There is also a proposed bill by Senator Kennedy regarding sales tax and property tax that would eliminate the county tax or state and county sales tax for local IDA's except for the ECIDA. The local IDA's would only be able to incentivize the town tax and the school tax. These two bills may not be voted on this session but will most likely be back next session.

There was also brief discussion about the future of the Eastern Hills Mall. Mary Powell also talked about the program that UB has regarding development of properties such as the E. Hills Mall. Peter DiBiase worked with a group on the project. The studies were submitted to Uniland Development.

**Public Comments.**

None.

There being nothing further, Mr. Kempton asked for a motion to adjourn the meeting. A motion was made to adjourn by Clayt Ertel with a second by Patrick Johnson. There was nothing on the question.

**VOTE:**       Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton.   Noes: None  
              Recuse: None   Absent:    Motion Carried

The meeting was adjourned at 9:05 a.m.

Respectfully submitted.

Cynthia M. Rosel