

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

In the Matter

of

WHEATFIELD FAMILY DENTISTRY, PC

LOCATION: NIAGARA COUNTY INDUSTRY  
DEVELOPMENT AGENCY  
6311 Inducon Corporate Avenue  
Wheatfield, New York 14132

DATE: January 5, 2010

TIME: 4:05 p.m.

REPORTED BY: KELLY MAJCHRZAK

1           ATTENDEES: Rose Mary Warren  
2                           Michael Schaffer  
3                           Samuel Cerito  
4                           Tim Hannon  
5                           Kathleen Casacci

6

7                           MR. WITUL: Would everyone please sign  
8                           the attendance sheet, even if you don't wish to  
9                           comment.

10                           Good afternoon. My name is Lawrence  
11                           Witul. I'm the Assistant Director of the  
12                           Niagara County Industrial Development Agency. I  
13                           will be serving as the hearing officer for this  
14                           public hearing. It is now 4:05 p.m. A copy of  
15                           the project summary is available here at the  
16                           desk. If you do not have one, please feel free  
17                           to pick one up at this time.

18                           The purpose of this hearing is to  
19                           solicit comments, both written and oral, on the  
20                           Wheatfield Family Dentistry Project, Wheatfield,  
21                           New York. Comments can be in support of or in  
22                           option of the project, or on the nature or  
23                           location of the project. All comments are to be  
24                           limited to the Wheatfield Family Dentistry  
25                           Project. This hearing is not for accepting

1           comments on any environmental issues nor  
2           environmental determination, and this is not a  
3           part of the New York State SEQRA process.

4                       Notice of public hearing: Again, a  
5           copy has been made to everyone present. Notice  
6           is hereby given that a public hearing pursuant  
7           to Article 18-A of the New York General  
8           Municipal Law will be held by the Niagara County  
9           Industrial Development Agency (the "Agency") on  
10          the 5th day of January, 2010 at 4:00 p.m. local  
11          time, at the Niagara County Center for Economic  
12          Developments, Vantage Center, 6311 Inducon  
13          Corporate Drive, Wheatfield, New York 14132 in  
14          connection with the following matter:

15                      Wheatfield Family Dentistry, PC, for  
16          itself or on behalf of an entity formed or to be  
17          formed (the "Company"), has submitted an  
18          application to the Agency, a copy of which is on  
19          file at the office of the Agency, requesting  
20          that the Agency consider undertaking a project  
21          (the "Project") consisting of: (A) the  
22          acquisition or retention by the agency of title  
23          to a leasehold or other interest in an

1 approximately 1.2-acre parcel of land known as  
2 3349 Niagara Falls Boulevard in the Town of  
3 Wheatfield, Niagara County, New York (the  
4 "Land") together with existing vacated buildings  
5 thereon, (the Existing Improvements"); (B) (i),  
6 the demolition of the Existing Improvements and  
7 (ii) the construction of an approximately 4,000  
8 square foot building to be used as office space  
9 for a dental practice (the "Improvements"); and  
10 (C) the acquisition of and installation in and  
11 around the Improvements of certain related  
12 equipment and items of personal property (the  
13 "Equipment" and, collectively with the Land, the  
14 Improvements, the "facility").

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

1           that it will provide financial assistance to the  
2           Company for qualifying portions of the Project  
3           in the form of sales and use tax exemptions and  
4           a mortgage recording tax exemption, consistent  
5           with the policies of the Agency, and a partial  
6           real property tax abatement.

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

13                        This public hearing is being conducted  
14          in accordance with Subdivision 2 of Section  
15          859-a of the New York General Municipal Law,  
16          dated November 23rd, 2009, Niagara County  
17          Industrial Development Agency, Samuel M.  
18          Ferraro, Executive Director.

19                        Again, I would like to point out the  
20          fact that there is a copy of the Application  
21          here should anyone wish to review it. There is  
22          also a project summary. It provides a brief  
23          overview of the Project, which includes the

1 construction of the Improvement of Facilities.  
2 They are requesting a ten-year commercial PILOT.  
3 The total investment is estimated to be almost  
4 \$700,000 with creation of additional employment.

5 I will open the hearing for comments.  
6 Once you are recognized, please give your name,  
7 address and organization you might represent.  
8 Direct all comments to the chair, and your  
9 comments should be limited to this project.

10 Anyone wishing to comment?

11

12 MS. WARREN: This is Rose Mary Warren,  
13 5842 Griffen Street, PO Box 391, Sanborn, New  
14 York 14132, tax payer advocate.

15 I feel the Wheatfield Family  
16 Dentistry's request for a PILOT should be  
17 approved. I didn't know the owner before the  
18 December 9th IDA meeting or any of her  
19 employees.

20 There was some concern of a new dental  
21 business opening nearby. The IDA has never  
22 questioned this before when granting PILOTs to  
23 hotels which are near each other. This business

1 would probably be asking for less incentives  
2 then they did. Most people do not change  
3 dentists to go to a new one nearby. Our family  
4 has used the same practice for over 47 years.  
5 When our one dentist retired, we continued with  
6 the person who took over his practice.

7 This person has built a practice for 15  
8 years. She's willing to take a neglected piece  
9 of property and improve it. This business will  
10 add employees and increase taxes in the future.  
11 This is the same promise that has been given to  
12 the IDA many times before. The IDA accepted  
13 their premises and granted a PILOT on that  
14 basis. In fact, now that the Agency has a  
15 claw-back clause, they have more protection than  
16 years before.

17 The IDA has also branched out in  
18 granting PILOTs. Some are a charter school,  
19 golf course and AES Corp. power plant. The IDA  
20 also should practice more diversity and  
21 encourage more businesses owned or operated by  
22 women. In the years I've been coming, there  
23 have been very few.

1                   I wish there was not a need for IDAs,  
2                   PILOTS, tax breaks and incentives. I thank  
3                   business people who use their own capital. Some  
4                   of these businesses started previously, when the  
5                   economic climate was much different. In a  
6                   Business First article I read in March 2008,  
7                   Niagara County's employment rate was 7.9. This  
8                   year, March 2009, it is 10.9; more than Erie  
9                   County. I don't think there's been any change  
10                  for the better in nine months in adding  
11                  well-paying jobs with full benefits. Small  
12                  businesses built America into the powerhouse it  
13                  became.

14                  This owner/operator is willing to risk  
15                  her professional and financial future on this  
16                  endeavor. She should be encouraged. I wish her  
17                  well. The IDA should too, by granting her a  
18                  PILOT and endorsing this Project that the IDA  
19                  staff has forwarded for your consideration.  
20                  Thank you.

21                  MR. WITUL: Anyone else wishing to  
22                  comment?

23

1                   MR. SCHAFFER: Michael Schaffer, owner  
2                   of Schaffer Kennels, 3376 Niagara Falls  
3                   Boulevard.

4                   I am right across the street diagonal  
5                   from the proposed Project. Being the owner of  
6                   the property there for the last 20 years, we  
7                   seen the state highway widen, put in 175,000  
8                   entrance to this property, which was probably  
9                   worth twice the amount of what that property was  
10                  actually worth.

11                  It's a very good fit for the property,  
12                  for the reason is, is it a pie-shaped lot,  
13                  number one. He was very limited, the previous  
14                  owner, on selling this property, number one,  
15                  with the utilities that go through the front of  
16                  it to what actually could come into that and  
17                  still have the parking spaces that are allowable  
18                  by the Town of Wheatfield. As far as Wheatfield  
19                  Dentistry, Dr. Casacci, is an established  
20                  businessperson, been in medical work for  
21                  numerous years. She's reputable and very  
22                  professional.

23                  Now I would like to speak on behalf of

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1 myself, being co-chairman of the zoning board of  
2 the Town of Wheatfield. Back in 1999, the  
3 overlay district came in effect on Niagara Falls  
4 Boulevard. With that, the Town of Wheatfield  
5 wanted -- I don't want to say good businesses,  
6 but businesses that were appealing to the  
7 eyesight coming down Niagara Falls Boulevard.

8 Even though I am a kennel operator, I  
9 am grandfathered, but if I cease operation for  
10 one year, that kennel is no longer operable on  
11 Niagara Falls Boulevard. That's what is was  
12 with the previous owner of Boulevard Kennels.  
13 It is no longer a permitted use on Niagara Falls  
14 Boulevard.

15 When you look at the fit that can go  
16 into that property, number one, there is very,  
17 very limited businesses that would fit into that  
18 parcel. The second point was the adjacent  
19 property owner before Dr. Casacci purchased  
20 this, came in front of our board with numerous  
21 complaints, and it was the campground  
22 individual, the owner. Nothing but problems  
23 from the previous owner. Dogs out late at

1 night, no cooperation, he had the campground,  
2 there was serious issues. He came over to us.  
3 We suggested putting in a burn, actually it was  
4 my point, also putting a row of trees down. We  
5 suggested for them to put in a fence and they  
6 did not want to incur that cost either.

7 When we did inspect that property it  
8 was atrocious. The buildings that are there,  
9 the house was a late 1800 home, the back  
10 buildings have been atrocious for numerous  
11 years. The best thing that could happen to that  
12 property is get this thing leveled and let an  
13 individual that wants to do something with this  
14 property and do it right.

15 I give my blessings to Dr. Casacci, not  
16 only from being a neighbor across the street,  
17 being a property owner for 20 years, but also  
18 being co-chair of zoning. I know a lot of the  
19 issues we have in the Town of Wheatfield.

20 The other point I would like to share  
21 is Niagara County IDA has given out numerous,  
22 numerous monies to different people and  
23 unfortunately, they weren't good business

1           people. This person here is a proven business  
2           person and I really hope that the board takes  
3           this into consideration and gives the blessing  
4           to her to pursue this well, well, venture.

5                       MR. WITUL: Thank you very much for  
6           your comment. Anybody else wish to comment at  
7           this time? Any other comments?

8  
9                       MR. CERITO: My name is Samuel Cerito,  
10          2718 Stenzel Avenue, North Tonawanda, New York.

11                      Kathleen is my daughter. When we  
12          purchased the property it was bad, and we're  
13          trying to make The Boulevard better. If you go  
14          across the bridge into Tonawanda and Amherst,  
15          you can see what development has done for the  
16          towns out there. It has brought up the tax  
17          pace, it has brought up numerous, numerous  
18          businesses going in there, a lot of good  
19          companies in there, and they're stable.

20                      I'd like to make a comment about some  
21          of the IDA funds, because there was something  
22          said at the meeting when we were here that one  
23          night that she would have an advantage or --

1           what was that terminology?

2                       MR. WITUL: I believe they were talking  
3           about a competitive advantage.

4                       MR. CERITO: Yes, a competitive  
5           advantage. I took the time to go to the  
6           Wheatfield Assessor's Office and I looked at  
7           some of the IDA acquisitions that were allowed,  
8           and I can honestly say that over at Niagara  
9           County Industrial Park, there is the Forestview  
10          there that was IDA approved, and their taxes  
11          over there total \$1,750,000.

12                      That's an unfair advantage to me  
13          because I own rental properties. If someone can  
14          rent out properties for \$1200 to \$1300 a month  
15          and I can get \$500 a month and my properties are  
16          only 15 years old, somebody got on advantage  
17          here.

18                      In another parcel in the Niagara County  
19          Industrial Park is medical offices that were  
20          funded by the IDA right near Shawnee Road. How  
21          do I know that? Because I go to the medical  
22          offices there, which is Hooker Chemical Company.  
23          And it's a medical office, but they have IDA

1 funding there. There was another place I looked  
2 up over there. It was a --

3 MR. WITUL: I don't mean to interrupt,  
4 but again, comments --

5 MR. CERITO: Can't comment about this?

6 MR. WITUL: If you would like, we can  
7 talk about them after.

8 MR. CERITO: What I was trying to do  
9 was show that my daughter and I are not looking  
10 for any special preferences, but we would like  
11 to be treated fairly. And I think if you're  
12 being treated fairly, you make for good citizens  
13 and it makes for good business.

14 I've seen this girl graduate from high  
15 school at 16 to fulfill her dreams and she did,  
16 and she's here now to stay here. She's not  
17 going no place. Thank you.

18 MR. WITUL: Thank you very much. I  
19 appreciate your comment.

20 Anyone else wishing to comment at this  
21 time? Last call. If anyone would like to  
22 comment please do so at this point in time. It  
23 is now 4:19 p.m. There being no further

1           comments, I will close this hearing. Thank you  
2           for your participation today and please be  
3           careful as you drive home. Again, the public  
4           hearing transcript and attachments will be  
5           provided to the Board of Directors prior to the  
6           board meeting next Wednesday, at which time  
7           they're expected to take action. Thank you  
8           again.

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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 January 5, 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

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KELLY MAJCHRZAK  
Notary Public

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