

# Niagara County Industrial Development Agency

Niagara County Center for Economic Development • 6311 Inducon Corporate Drive, Ste. 1 • Sanborn, NY 14132

## **REGULAR NCIDA/NCDC/NADC BOARD MEETING**

**DATE:** February 8, 2023  
**MEETING TIME:** 9:00 a.m.  
**MEETING PLACE:** Niagara County Industrial Development Agency  
Vantage Center, Suite One  
6311 Inducon Corporate Drive  
Sanborn, NY 14132

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### **1.0 Meeting Called to Order**

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:00 a.m.

### **2.0 Roll Call**

Mark A. Onesi, Chairperson	Present
Kevin McCabe, Vice Chairperson	Present
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary	Present
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Jason Krempha, Member	Present
Maria V. Lopez, Member	Present

### **3.0 Introduction of Guests**

#### **Guests Present**

Jim Fink, Business First  
Jonathan Epstein, Buffalo News  
Robert Creenan, Niagara Gazette  
Mike Casale, Niagara County Economic Development  
Nick Masarro, Chase Commons, LLC  
Dominic Masarro, Chase Commons, LLC  
Lee Crewson, Peak Development Partners, LLC  
Tim Kolb, Niacet Corporation  
Jeffrey Rogers, Niacet Corporation – Via phone  
Muhammad Shoaib, Burger Factory Niagara Falls Inc.

#### **Staff Present**

Susan C. Langdon, Executive Director  
Andrea Klyczek, Assistant Director  
Michael S. Dudley, Finance Manager  
Caroline Caruso, Accounting Associate  
Susan Barone, Grants & Operations Manager  
Caroline Caruso, Accounting Associate  
Julie Lamoreaux, Administrative & HR Officer  
Jeremy Geartz, Project Manager  
Mark J. Gabriele, Agency Counsel

#### **4.0 Pledge of Allegiance**

Ms. Langdon led the Pledge of Allegiance.

#### **5.0 Approval of Meeting Minutes**

##### **5.1 Regular NCIDA/NCDC/NADC – January 11, 2023**

*Mr. Ross motioned to approve the meeting minutes; Mr. Brydges seconded the motion. The motion passed.*

#### **6.0 Finance & Audit Committee Reports**

##### **6.1 Agency Payables – January 31, 2023**

Mr. McCabe stated that the monthly payables have been reviewed and found to be in order.

*Mr. Ross made a motion to approve the monthly payables; Mr. Brydges seconded the motion. The motion passed.*

##### **6.2 Budget Variance Report – January 31, 2023**

Mr. McCabe stated that the reports have been reviewed and found to be in order.

*Mr. Ross made a motion to approve the Budget Variance Report; Mr. Brydges seconded the motion. The motion passed.*

## 7.0 Unfinished Business

### 7.1 Burger Factory Niagara Falls Inc.

Ms. Klyczek stated that on January 30, 2023 at 1:00 p.m., the Agency held a Public Hearing at Niagara Falls City Hall. There were a number of speakers at the public Hearing including, Mike Casale, The Commissioner of Economic Development, Brett Stewart from Merani Hotel Group, Frank Strangio from Plati Niagara Inc., Gary Siddall, President & CEO of the Aquarium of Niagara, Kory Schuler, President & CEO of Niagara USA Chamber, Paul Brown, President of the Niagara County Building Trades, Nirel Patel, President of Rupal Hospitality, Russel Petrozzi, Vice President of Capitol Cleaners, John Percy, President & CEO Destination Niagara USA. All spoke in favor of the project with various viewpoints.

Mr. Gabriele stated that recently, there was an article in the local newspaper with a comment that stated that this project is taking advantage of a loophole. He noted that this is not a loophole since this project is in a distressed area and is eligible under the New York State Statute. This part of the law was put into effect many years ago to try to entice businesses to come to highly distressed areas with their construction projects.

Mr. Shoaib stated that his comment in a news article stating that he could move forward with the project without agency help was erroneous as a result of a misunderstanding. He stated that he most certainly needs assistance from the Niagara County Industrial Development Agency in order to move forward with the projects.

#### 7.1 7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF BURGER FACTORY NIAGARA FALLS INC. AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS; AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT AND (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT

***Mr. Ross made a motion to approve the Final Resolution; Mr. Krempa seconded the motion. The motion passed.***

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

## 8.0 New Business

### 8.1 Niacet Corporation

Ms. Klyczek stated that Niacet Corporation, in the City of Niagara Falls is considering an expansion. Niacet Corporation is a leading global specialty chemical manufacturer. In September 2021 Niacet was acquired by Kerry Group, an Ireland based global company with over 35 US manufacturing locations. The facility produces ultra-high purity Anhydrous Hydrogen Chloride (aHCL), a colorless, corrosive toxic, nonflammable gas that is necessary to create Epitaxial semiconductor wafers and is used to etch semiconductor crystals. Due to the rapid expansion in the industry, immediate expansion is needed to meet that demand. The company is also seeking assistance from the Federal, State, and Local Governments.

Mr. Kolb from Niacet Corporation stated that this is a good opportunity for this area because of the added employment and the economic stability. They are working with local leaders to build a sustainable workforce in the area. He also noted that this is not a done deal and that the Niagara Falls plant must compete against other company locations to corporate support for this project.

**8.1.1 Preliminary Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF NIACET CORPORATION WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF NIACET CORPORATION FOR ITSELF OR ON BEHALF OF AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (v) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Mr. Krempa made a motion to approve the Final Resolution; Mr. Brydges seconded the motion. The motion passed.***

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

**8.1.2 Authorize Public Hearing**

***Mr. Krempa motioned to authorize the Public Hearing; Mr. Cliffe seconded the motion. The motion passed.***

## 8.2 Peak Development Partners, LLC

Ms. Klyczek stated that Peak Development Partners, LLC wishes to build a housing complex on a vacant lot on Payne Avenue in North Tonawanda. Gratwick Elementary school formally stood on the parcel and was later demolished. The construction would be a 40 Unit, multi-family residential complex. The complex will consist of three, two-story buildings, two 12 unit, and one 16 unit buildings. There will also be parking to accommodate 70 spaces.

This will bring 40 units into North Tonawanda, which addresses Governor Hochul's, New York Housing Compact, a comprehensive multi-pronged strategy to achieve housing growth in every community so that every part of the State is a partner in solving what the state calls a "once-in-a-generation crisis." North Tonawanda has been targeted at 149 housing units needed to meet Governor Hochul's three-year housing goal.

Lee Crewson from Peak Development Partners, LLC stated that this project is an addition of 40 units to a vacant lot. The project is expected to start this summer. He also stated that the project is very much in need of the Niagara County IDA's support because of rising interest rates, and construction cost increases.

### 8.2.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF PEAK DEVELOPMENT PARTNERS, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF PEAK DEVELOPMENT PARTNERS, LLC OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Ms. Lopez made a motion to approve the Final Resolution; Mr. Krempa seconded the motion. The motion passed.***

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

**8.2.2 Authorize Public Hearing**

*Mr. Krempa motioned to authorize the Public Hearing; Mr. Ross seconded the motion. The motion passed.*

**8.3 Chase Commons LLC**

Ms. Klyczek stated that Chase Commons LLC has purchased vacant former Presbyterian Home assisted living facility located on High Street in Lockport. The facility campus consists of four separate buildings. Chase Commons LLC will be converting all four buildings into 50 apartment units. In total, all structures on site will be rehabilitated into 40,000 sq. ft. of finished space made available for rent. The Mayor and Counsel of Lockport are in support of this project. This project does help meet the goals set forth by Governor Hochul’s strategy to address the housing crisis.

Nick Masarro from Chase Commons LLC stated that his company put this project under contract months ago with a due diligence period for the company to get the property re-zoned, and get variances granted. Approval has been granted by the City of Lockport and they are able to move forward. He noted that the incentives are necessary due to increases in costs and interest rates.

**8.3.1 Preliminary Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF CHASE COMMONS, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF CHASE COMMONS, LLC OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE RENOVATION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (v) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Mr. McCabe made a motion to approve the Final Resolution; Mr. Ross seconded the motion. The motion passed.***

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

**8.2.2 Authorize Public Hearing**

***Mr. McCabe motioned to authorize the Public Hearing; Mr. Ross seconded the motion. The motion passed.***



**8.4 Cataract Tourism Fund**

Mr. Gabriele stated that the Cataract Tourism Fund was started a few years ago. The Agency received separate annual payments, the money was put into a grant fund for revitalizing the downtown Niagara Falls area. He noted that this is a reimbursable grant fund.

**8.4.1 Niagara Falls Aquarium**

Ms. Klyczek stated that the Aquarium of Niagara is seeking capital support for a new sea turtle exhibit. In order to house a sea turtle, the Aquarium must meet strict requirements set by the federal government, which requires significant renovation and construction to provide a permeant home for the sea turtle. Required improvements include structural modification to the existing building, installation of an enhanced electrical service, a complex filtration system, and a new rock wall that simulates the natural environment. In addition to the living components of the project, the exhibit will also feature an interactive floor projection that will highlight conservation efforts resulting in increased dwell time and improved guest satisfaction. The total project cost is \$175,000. The amount requested from the Aquarium is \$35,000. The committee unanimously supported this project.

**8.4.1 Niagara Falls Aquarium**

RESOLUTION AUTHORIZING A GRANT TO THE NIAGARA AQUARIUM FOUNDATION RELATING TO THE SEA TURTLE EXHIBIT RENOVATION PROJECT

***Mr. Ross made a motion to approve the Grant; Mr. McCabe seconded the motion. The motion passed.***

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

**8.4.2 Burger Factory Niagara Falls Inc.**

Ms. Klyczek stated that Burger Factory Niagara Falls, Inc. is a project located at 303 Rainbow Blvd. The building will be renovated into an A&W retail attraction. The famous A&W national franchise chain will replace a long dilapidated building on a highly trafficked corner of Rainbow Blvd. and Third Street. The limited operations available in the downtown corridor do not meet the demands of the tourist community; this project will help remedy this issue while also signaling to other notable brands that Niagara Falls is a viable and desirable retail location. Grant funds will be used to remodel the entire exterior of the site, including signage and parking lot accommodations. The interior of the building will be completely overhauled and updated with new furnishing, fixtures, flooring, and other cosmetic updates. The building will also need all mechanicals to be brought up to current code standards, including the installation of a fire safety system. The total project cost is \$1,235,000. The amount requested is \$185,250. The committee unanimously supported this project

**8.4.2 Burger Factory Niagara Falls Inc.**

RESOLUTION AUTHORIZING A GRANT TO THE BURGER FACTORY NIAGARA FALLS INC. PROJECT

***Mr. Brydges made a motion to approve the Grant; Mr. Ross seconded the motion. The motion passed.***

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

**8.4.3 Niagara Falls International Cuisine Inc.**

Ms. Klyczek stated that Niagara Falls International Cuisine Inc. application is for a Moe’s Southwest Grill that will be located in the existing Wingate Hotel in downtown Niagara Falls. This restaurant will offer families that are traveling to Niagara Falls another affordable dining option. Currently, there is an absence of places for tourists to dine when visiting Niagara Falls; in turn, visitors leave the area, resulting in lost revenue to the local municipalities. Recognizable brands such as Moe’s will help keep visitors in the downtown area longer and offer them a better overall experience. Grant funds will be used to update the electrical and plumbing to accommodate new equipment, the purchase of signage, and new construction of the dining area. The total project cost is \$510,000, and the total requested is \$76,500. The Committee unanimously supported this project.

**8.4.3 Niagara Falls International Cuisine Inc.**

RESOLUTION AUTHORIZING A GRANT TO THE NIAGARA FALLS INTERNATINAL CUISINE INC. PROJECT

***Mr. Ross made a motion to approve the Grant; Ms. Lopez seconded the motion. The motion passed.***

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

**9.0 Agency Counsel**

Agency Counsel had nothing at this time.

**10.0 Information Items**

Mr. Onesi stated that the next Board meeting date will be changed to March 22, 2022.

***Mr. Krempa made a motion to approve the date change; Mr. Cliffe seconded the motion.***

**11.0 Any Other Matters the Board Wishes to Discuss**

There were no matters the Board wished to discussed

**12.0 Next Regular NCIDA/NCDC/NADC Meeting:**

**DATE: March 22, 2023**

**TIME: \*\* 9:00 a.m. \*\***

**PLACE: Niagara County Center for Economic Development**

**13.0 Adjournment**

Ms. Lopez made a motion to adjourn; Mr. McCabe seconded the motion. The meeting adjourned at 9:38 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

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Julie Lamoreaux  
Recording Secretary

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Susan C. Langdon  
Executive Director

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William L. Ross  
Secretary