



REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY’S PUBLIC HEARING OF COUNTRYSIDE APARTMENTS LLC HELD ON WEDNESDAY, OCTOBER 25, 2023 6:00 P.M. AT THE TOWN OF PEMBROKE TOWN HALL, 1145 MAIN ROAD, PEMBROKE, NEW YORK, GENESEE COUNTY, NEW YORK

I. ATTENDANCE

- Jim Krencik, Director of Marketing and Communications – GCEDC
- Lauren Casey, Finance Assistant – GCEDC
- Mark Masse, Senior VP of Operations – GCEDC
- Emma Finch, Operations Assistant – GCEDC
- Nicole Begin – Town of Pembroke
- Kevin Reeves – Town of Pembroke
- Thomas Sargent – Village of Corfu
- Tom Schubmehl
- Darlene Graczyk
- Jim Graczyk
- Bill Haubrick
- Rich Washington
- Matt Washington
- Thomas Sausner
- Zach Crittenden
- Deb Conti
- Phil Conti
- George Tilley
- Matt Calderon – Pembroke CSD
- Marshall Morehouse
- Michael Saeli
- John Cleveland
- John Best

II. CALL TO ORDER

The public hearing of Countryside Apartments, LLC was opened at 6:00 p.m. at the Pembroke Town Hall, 1145 Main Road, in Pembroke, New York, Genesee County, New York.

A notice of this public hearing describing the project was published in the Batavia Daily News, a copy of which is attached and is an official part of this transcript.

III. PROJECT SUMMARY

Countryside Apartments, LLC is proposing to develop four 24-unit market-rate apartment buildings in the town of Pembroke.

The \$15.65 million project would be built in phases, with one 24-unit building per phase, for a total of 96 units. Each building will have eight 1-bedroom and 16 2-bedroom units. Each building will be 21,096 sq. ft. for a total of 84,384 sq. ft. The project anticipates creating two part-time positions (1 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$739,200, a property tax abatement estimated at \$2,020,688 based on the incremental increase in assessed value via a fixed 60% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$130,000.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

IV. COMMENTS

Mark Masse

It's 6 pm. Thank you for coming tonight. My name is Mark Masse. I'm the Senior Vice President of Operations at the Genesee County Economic Development Center. I'd like to thank everyone for coming out tonight. The purpose of this public hearing is to solicit comments and feedback about proposed incentives being requested by the project. The project is seeking a PILOT (payment in lieu of taxes), a mortgage tax abatement as well as a sales tax abatement on their project. This is not intended to be a question-and-answer period. Those of you who have signed in, I will still go through everybody's name even if you marked 'no' just in case you changed mind since you signed in. Any comments received, either written or oral will be compiled and given to our board prior to the board meeting where a final vote on the proposed incentives will take place. I'll start the hearing by giving a short overview on the proposed project. When that's been completed, we will go through what we've received. So, any written comments that were received, which we did receive four or five, will be read aloud into the official record. We will then call people who have put an "x" by their name, and we'll call everybody to give them an option if they wish to speak. So, before providing any comments, we ask that each speaker clearly state their name and their address so we can make sure it's accurately reflected in the record. Each speaker will be given three minutes to provide their comments. We'll be given notice when you have 30 seconds left. If there's time at the end, after everyone has spoken, if somebody else wishes to speak, who did not sign up, they'll be given an opportunity to do so. If somebody who has already spoken has any additional comments that they did not make in their initial three minutes they may do so at that time as well.

So, the project overview: Countryside Apartments is proposing to develop four 24-unit market-rate apartments in the town of Pembroke. The \$15,650,000 project will be built in phases with 1 24-unit per phase for a total of 96 units. Each building will have 8 1-bedroom and sixteen 2-bedroom units. Each building will be 21,096 square feet for a total of 84,384 square feet. The project anticipates creating two part-time positions. They are requesting assistance with a sales tax exemption, estimated at \$739,200, a property tax abatement estimated at \$2,020,688 based on the incremental, increase in assessed value by a 60% 20-year PILOT, and a mortgage tax exemption estimated at \$130,000. This project does align with the Genesee County Economic Development Center's Housing Policy and has a recognized need for housing availability. The Genesee County Housing Needs Assessment that was done identified that 4,800 market-rate units are needed in the next 20 years across single-family homes and rental units. Fiscal impacts on local benefits total just over \$10,000,000 and for every dollar of public benefit, the company's investing \$5 into the local economy.

So now we'll move into the public comment period. Again, before making comments, we just ask the speaker to clearly state their name, spell their last name, and state their address so we can clearly reflect that in the record. Again, you'll have three minutes, there will be a warning when you have 30 seconds left. Again, if there's time at the end and anyone who did not speak, who now wishes to make a comment they will be given an opportunity, or if someone wishes to come up again and make any additional comments that they did not make in their first statements will be allowed to do so. Again, we are just looking for comments and feedback in relation to the proposed incentives for this project.

So, we did receive six letters - one letter and five emails - that we'll read into the record.

Kyle Wruck Letter read aloud.

I'm writing to express my opinion for the GCEDC to NOT give the proposed countryside apartments the sales tax, property tax, and mortgage tax exemptions. Unfortunately, due to my work schedule I can't attend the meeting held later this evening.

Your mission states:

"The GCEDC's mission is to facilitate local economic growth and development which fosters investment and job creation for the benefit of our residents and children."

This apartment complex doesn't follow your mission, it not creating any long term jobs. It doesn't benefit any of our residents or children. In a lot of cases these complex's harbor trouble from domestic problems, to drugs, and to just big companies not looking to maintain their property's and pocket as much profit as they can as just a few examples. This complex doesn't fit the area either, this is more fitting for West Seneca, Lancaster, Depew, or Orchard Park.

If you want to support more upscale available apartments why don't you help support the current small local landlords who are part of this community not the big wealthy companies who don't need the financial support?

I use to manage a 50 unit complex in West Seneca, I truly know they are some good large companies as landlords but there are far more shady and only concerned about there own profits when it comes to the large commercial landlords.

I currently live in the village of corfu and I own two apartment buildings in the village also. The two properties have a total of 7 apartments. The one property I owned for one year while the other property I owned for three years. In that time I invested roughly \$40,000 into the property's in just materials for I do all my own work. If I was given tax incentives I would of been able to put more money into my property's and invest more upgrades to my property's.

In conclusion if you want to help apartments you should help the local small guys, not the large corporate companies.

Thank you for your time.

Jenny McMartin-Eck Letter read aloud.

Dear Esteemed Board Members,

I am writing to express my strong opposition to the proposed 24-unit apartment complex in our beloved rural community. Our town, nestled in the heart of the countryside, has always been cherished for its rural charm and tranquility. I implore you to consider the impact of this development and vote against it to maintain Pembroke as a rural community and not transform it into an urban center.

In a rural community like ours, we have always cherished the peace and quiet that comes with open spaces and a close-knit, friendly atmosphere. The addition of a 24-unit apartment complex would undoubtedly disrupt the rural character that we hold dear and cherish. My concerns about this development are as follows:

Traffic Congestion: Pembroke already faces the annual challenge of increased traffic during the summer months due to visitors heading to Darien Lake. The proposed apartment complex could further exacerbate this issue, leading to more congestion and impacting the flow of our rural roads.

Impact on Rural Aesthetics: This development is likely to change the visual landscape of our community, introducing structures and urban elements that are incongruent with our rural surroundings. It's vital to preserve the natural beauty of our area.

Loss of Community Identity: Pembroke's identity has always been rooted in its rural character, and we must be cautious not to compromise that identity by allowing a large apartment complex in our midst.

Strain on Rural Services: The project would strain our local services, including schools, emergency services, and utilities, which may not be equipped to handle the needs of a more urbanized population.

Impact on Property Values: There is a legitimate concern that the presence of such a development might negatively affect property values in our rural community, which could be detrimental to homeowners.

Our town is a unique and cherished place because of its rural attributes, and I believe we should maintain this way of life for current and future generations. Instead of further development, I urge you to consider alternative projects or modifications that respect the rural character of Pembroke and address the specific needs of our community.

I kindly request that you vote against the approval of the 24-unit apartment complex during the upcoming council meeting. It is essential to prioritize the preservation of our rural identity and ensure that our community continues to thrive as the peaceful, rural oasis it has always been.

Thank you for your time and consideration. I hope you will make a decision that reflects the wishes and values of our community and helps keep Pembroke a rural haven.

Katie Grant Letter read aloud

As a resident of corfu/Pembroke for the last 32 years we do NOT approve of this development plan at 8900 Allegheny, we all choose to live here for a reason and adding developments like is going to do nothing but push us all away, Nobody in this town has had a say on this and I believe there should be a vote on wether or not this can continue!!!

Debora Kern Letter read aloud

I'm totally against this. I'm a homeowner in the area. I see no need for this to be built in our rural area. There are no large corporations in the immediate area for these future residents to work at and there would be no tax advantage for Pembroke.

We like our quiet existence and want to keep it that way.

Ken Krueger Letter read aloud

Good afternoon. I understand that there is a meeting today to consider a 15 million dollar project for 96 apartments in the town of Pembroke. I don't know if these meetings are public or not but either way I am unable to attend. I wanted to write to you on behalf of myself, my family and my community to let you know that this project is not something that the community is excited about. We live in a small town for a reason, because it is a small town. There are much better locations around the county for such a project. For example, in Batavia. A 96 unit apartment complex does not belong in farm country. Can Pembroke school district handle the influx of children that would come along with that many families moving to the area? I don't know the answer but I'm willing to bet that the school would say they are not prepared for that. Can rt 77 handle the added amount of traffic? I know the answer to that question and it is NO. Have you seen rt 77 at rush hour, or during a concert? The intersections of rt 77 and 5 as well as rt 77 and 33 are so bad during concerts as things are now that police need to be stationed there. The added traffic of people coming home from work to 96 apartments at the same time as people going to a concert would make rt 77 almost impassable.

Additionally I see that the project is currently listed as "market rate" apartments which is great but unfortunately hard to trust. Is there a guarantee that won't change somewhere along the line? The example that comes to mind is the Ellicott Station apartments in Batavia. They were originally supposed to be "market rate" then during construction a portion was changed to be subsidized housing. Speaking of Ellicott station, when will that project be finished? If there is such a need for housing in the area let's try to focus on getting that project completed.

I see that there are massive tax breaks proposed for this project as well. I understand the logic of giving tax breaks to a project that will pump money into the economy but instead of forcing this project into a community that doesn't want it, lets try giving some tax incentives to small businesses that are already in our community. Businesses that not only put money into the economy themselves but in turn pay employees that live in Genesee county and are owned by Genesee county residents. These people spend their money here in Genesee county. Help them to thrive and that will certainly help the economic development of our county.

If these apartments did end up becoming subsidized housing, how much money do you think those folks are going to be putting back into the economy? Some of the money that they would be putting into our economy is tax dollars that they got for free. They would effectively be returning a portion of the subsidized money. How does that help anything to grow and develop?

These are just some of the concerns in the community. While I understand that I am just one person writing this email, PLEASE consider that I am not alone with my concerns. PLEASE hear what the community has to say before making a decision and forcing this into our small town.

Matt Calderon letter was read aloud by Mark Masse.

Please see the letter dated September 25, 2023, attached to the minutes, that was submitted to the GCEDC by Matt Calderon to be included with the written record.

Mark Masse

I will add one comment regarding market-rate housing. Our board has taken the definitive stance that they only wish to support market-rate housing. If, at any point in time, this project is not deemed to be market-rate apartments, we will cancel the PILOT and we will claw back on the incentives. We have that ability within our documents, it would be considered a default under the agreement. That is the process we are currently going through with Ellicott Station right now. So that project is going through the process of having its' PILOT cancelled and terminated. So, at this point we'll open it up to public comments. Again, for those people that said 'no' I will still say your name and give you an opportunity to speak, and I apologize if I mispronounce your name.

Nicole Begin (no comments)

Kevin Reeves (no comments)

Thomas Sargent (no comments)

Tom Schubmehl, 2114 Main Road, Corfu, NY.

On your website for the WNY STAMP project, you made a point of saying that 2,000,000 people are within a 50-minute commute and 1,000,000 people are within a 30-minute commute. That is a big selling point of the STAMP plant. I realize there is a need for housing, but you've also impressed upon the local people that STAMP is going to bring people in from Rochester and the Buffalo area. The IDA never used to give taxing abatements to retail or residential projects, I'm that old. I realized that ship has sailed, and the IDA is willing to give incentives to pretty much any project now. I ask that the board, even though I realized none of them are here tonight, actually read these minutes and listen to what the people have to say. Mr. Schmidt has stated that he needs this incentive to make the project work here in Pembroke. That construction will be expensive for him since he will have to import qualified contractors and materials all the way here from Erie County. The benefits to the local economy is minimal. Since the IDA defines local labor as Genesee, Orleans, Monroe, Wyoming, Livingston, Wayne, Ontario, Seneca, Yates, Niagara, Erie, Chautauqua, Cattaraugus and Alleghany counties, the benefits to the people who are going to be hurt the worst by this tax break, the town of Pembroke, is considerable. Mr. Schmidt also stated he believes the project will be successful but still needs the \$2,000,000 in property tax abatements to make this work for him. The IDA has used this 20-year PILOT being offered here for these apartments at the STAMP plant for Edwards. But they're bringing in 300-plus jobs. Here in Pembroke, we've only offered the 10-year graduated PILOT, that basically amounts to paying 40% of the property taxes over 10 years. This is what

was given to Fancher's at Brickhouse Corners. It's what was given to NEXgistics, who will be also creating jobs here in the community. Mr. Schmidt anticipates 2 part-time 20-hour positions. Essentially one full-time equivalent at \$40,000. This isn't even enough to apply for one of these apartments that he claims he is going to have \$45,000 target range for his tenants. So, I realize Mr. Schmidt is going to get an incentive plan approved tomorrow night at the IDA board meeting. Please at least consider leveling the playing field to the other developments in town and reduce his package to a 10-year, 60% reduction instead of the 20-year PILOT now being proposed. Thank you.

Darlene Graczyk (no comment)

Jim Graczyk (no comment)

Bill Haubrick (no comment)

Rich Washington, 8704 Lover's Lane Road.

We had two public hearings here, town hall about this one was at the end of August, and then one was in September. This is from The Batavian at the end of September meeting. While the apartments will be available to anyone that can demonstrate the ability to pay the rent, he indicated that a person, Mr. Schmidt, who qualifies for subsidized housing isn't likely going to be able to qualify to rent an apartment in his complex. Applicants will need to be able to demonstrate full-time employment, with a credit score of at least 700, and an income of at least three times the monthly rent rate, 2-bedroom will be \$1,700, 1-bedroom will be \$1,400. That's from the end of September. We had an end of August public hearing. I'm going to the August 1st GCEDC Housing Committee meeting, Mr. Schmidt says the apartments will be market-rate and subsidies will not be accepted to begin renting these apartments. However, the caveat being, that if tenants fall on hard times, they will not be required to move out. They will work with tenants and agencies, to ensure they continue renting there without paying rent. This is contrary to everything else presented to us at the public meetings and I would just like to point that out.

Matt Washington (no comment)

Thomas Sausner

I just want to point out that the points made about this being a rural community and how this doesn't fit here, I live right down the road here, and the points made about the traffic are point on, spot on, just from driving around for the last 30 years. I'm against the project to begin with and certainly against the tax breaks that they are getting.

Zach Crittenden (no comment)

Deb Conti, 949 Lakeside Drive, Corfu, NY

I've been able to work with the GCEDC for probably the last 30 years, and I've been the assessor here, and then I also worked and help manage Darien Lake in Darien. And I do have to say that your 20-year PILOT is more than you've ever given any other business. When Darien Lake brings in thousands of part-time employees, you have always given them 10 years, 10 years decreasing by 5% over that 10 years. To give anyone 20 years fixed at 60% is fantastically the hugest giveaway I've ever seen and I don't know that this man is going to decrease his rent to even pass that savings on to his tenants. So, I see it as the biggest giveaway, I think it's unfair to every single business in the county, in terms of Darien Lake and everything that's getting built around us. I think you'll set a precedent and every single other business is going to want 20 years, and I don't see that as being fair to anyone. I also can speak from being on the board in Pembroke, and every time you take away \$130,000 in mortgage tax from the town, but we still have to give them public services, you're robbing from everyone else that's here. So, you're taking away the mortgage tax, you're taking away half the property tax for 20 years at a fixed rate. I completely disagree and I don't think it's fair to anybody. So, I really think you need to stand firm and be fair and only give what you've given in the past, but not expand your programs to give away, not only to residential properties that are not bringing in thousands of jobs, but they're building a \$15,000,000 housing project. How many more

\$15,000,000 housing projects are we going to subsidize? We don't want to do that. He said he was going to pay his fair share but every time along the way, it's taking away from the rest of the people. And that's not right, Sorry.

Phil Conti, 949 Lakeside Drive, Corfu, NY

I just would like to say that this whole project is unfair, but the previous speaker talked about 20 years at fixed rate. I mean the average taxpayer, homeowner, we don't get breaks when the schools demand our school taxes, we have to pay, and you're really shifting the burden onto the normal people in this town that aren't making that kind of money now with inflation and the cost of everything. Most people are living paycheck-to-paycheck, and it's so unfair to do this and all I hear, oh, we need for the children. Well, that these people start paying your fair share of school taxes which is the biggest burden on the taxpayers. Thanks.

George Tilley, 9316 Lake Road

I go along with Debbie here, it's a big break for these people. As far as apartment complexes in Pembroke, all you have to do is look what happened in Batavia, Batavia was a beautiful city. And now look what we have, every night in the paper, shootings, stabbings, robbings, you name it, let alone drugs. I hate to see it come in, because that's the type of person that you have come in there. So, just speaking my piece, thank you.

Matt Calderon

So I wasn't going to say anything, but I guess I would just ask for consideration similar to what Mr. Schubmehl said it's probably going to pass in some structure but if it could be restructured so the district could receive more funds each year, or 10 years instead of 20 years. Obviously, that would be helpful to the district and the taxpayers.

Marshall Morehouse (no comment)

Michael Saeli (no comment)

John Cleveland (no comment)

John Best (no comment)

Mark Masse

That's everybody who is signed in. If there was anybody who spoke previously who has any other comments that they didn't make earlier, you're more than welcome to come back up.

Deb Conti

Is your meeting tomorrow with your board public?

Mark Masse

It is. All our board meetings are public. They are livestreamed on our website, as well as all minutes and videos of the meetings are uploaded to our website probably within two weeks of when the meeting was held.

Deborah Conti

And who is on your board?

Mark Masse

Pete Zeliff is our chairman, Matt Gray, Paul Battaglia, Craig Yunker, Kathryn Manne, Chandy Kemp, Marianne Clattenburg. All their names are on our website, all the board members are on our website.

Any other comments?

Phil Conti

Yes, I believe a lot of people here were under the assumption that they would be able to answer questions. Now I would like to know when is the proper time and meeting that you have where the public can ask questions of the panel?

Mark Masse

Again, our public hearing is really just again about the incentives. The project itself, for questions about that, would have been through the planning board process. There were some residents who showed up at our last board meeting. Our board is not obligated to take questions from the public but they decided that on the first initial, they did take some questions and comments and speak to them. I think they spent a good 15 to 20 minutes to answering all the questions. I think there were four or five people who showed up. But it's at the discretion of the board if they wish to have any members of the public speak, we don't really have a public comment period in our board meeting. That's why we hold these public hearings, to solicit the comments and feedback to submit to the board.

Phil Conti

Yes, but you're not willing to take questions from the public, which you are paid by taxpayer's money. So you are answerable to the public. So, I mean there's some questions. It's like, how many other projects have you given 20 years to?

Mark Masse

I can think of at least three or four, some of them were housing. There were two or three housing projects that got 30-year PILOTs in the past.

Phil Conti

And what about the warehouse being built here, what did they get? That is another question I'd like to know.

Mark Masse

I don't remember off of the top of my head, but all of those projects are on our website. All the approvals are on our website. All the information is there.

Tom Schubmehl

This one has a 10-year, the one that is going up now. 10 year graduated...

Phil Conti

Yeah they're giving them 20 years, fixed rate or something like this which is insane.

Unknown Person that did not sign the attendance sheet

Do you represent the builder?

Mark Masse

No, I do not. I work for the GCEDC. So, this is our public hearing to solicit comments and feedback on the proposed incentives.

Unknown Person that did not sign the attendance sheet

It's funny because when I was at the public hearing, he and his civil engineer said that they were not going to get any public funding, they're going to fund this all by themselves and all sudden this comes out. Why?

Mark Masse

I was not at that meeting, this must have been the town planning board. I can tell you that our incentives are not giving money, they are abatements. So, it's not like we're writing a check, but they are being abated from certain taxes and from having to pay them.

Unknown Person that did not sign the attendance sheet

But then the town's going to give them money too, right?

Nicole Begin

No, we don't have that money to give them.

Unknown Person that did not sign the attendance sheet

So it's all coming from Genesee County?

Mark Masse

They are not getting any cash.

Nicole Begin

It would be like they're getting their tax bill, but it's lowered.

Unknown Person that did not sign the attendance sheet

So, they're just not paying the full price, right?

Mark Masse

So, they're not receiving any cash. There're no checks being written to them.

Zach Crittenden

Another question, I mean as far as the board, why would they turn down any projects when they collect one 1.25% on the closing cost of any of these projects? So, like this \$15,000,000 project, this board will collect \$195,000.

Mark Masse

So first off, our board is an all-volunteer board, they do not get paid. All the money that we collect in our fees goes back into other economic development projects within the county. They have turned down a project before. There was another housing project a number of years ago that they turned down. We generally vet projects with the board before applications come in, just because we want to avoid any issues if one of them comes into turn it down, so we do vet these projects with them. That's why we have, generally, companies come in and do a presentation before an application comes in. After the presentation the board will have a discussion if it's a project. Now, technically, it is allowable under general municipal law, somebody submits an application, we are obligated to take it to the board. That's what we have to do, because otherwise we're being arbitrary and capricious and deciding what goes there. So, if it's legally allowable under general municipal law, somebody submits an application, we have to take it to the board.

Zach Crittenden

So where did this \$195,000 like you're saying goes in other economical projects, for example, with these other projects where does this money go to?

Mark Masse

So, this will probably go towards STAMP and infrastructure needs there. I can tell you that a lot of the other projects and the income that was generated, basically helped to fund the brand new wastewater treatment facility that was constructed in Corfu. We partnered with the town of Pembroke on that project and a lot of our revenue generated off of projects that we did were used to pay for probably 50% of that facility. So

that's an example of a lot of our project money going back into economic development projects specifically within the town of Pembroke, that would benefit the town of Pembroke and the village of Corfu.

Zach Crittenden

Well, that benefits the STAMP project.

Mark Masse

No.

Zach Crittenden

This is why this housing development is going up, it's for the STAMP project. That's the whole purpose of this. He even said he could build over in Erie County, and said he'd make a lot more money over there. If that's the case, let him go over to Erie County and make more money.

Mark Masse

Well again, that's a private decision he made on his own. We do put our money into other different economic development projects across the county, right now STAMP is our most pressing one but we have money into other communities: Batavia, LeRoy, Bergen, Corfu and Pembroke.

Zach Crittenden

I don't know this question - who personally owns the STAMP project property?

Mark Masse

Our agency does, the GCEDC.

Zach Crittenden

So, it's your building, you have a kind of your own business underneath this whole scheme?

Mark Masse

It's not a scheme. We have economic development projects, we are an IDA, we do economic development. So, generally we have found that companies would much rather deal with an entity that owns the property and can offer all the other incentives, as well as helping to pull together a lot of the infrastructure, the permitting and a lot of those things. I mean obviously we've been working on STAMP for about 13 years and it's not an easy project to get through. But again, we don't pay dividends, our board members don't get paid, they're all volunteer, all of our financials are shared at every board meeting. You can see where the money is, where it's going, where it's being sent to. All the spending authorizations are approved by our board, and they're going for projects. IDAs are extremely limited on what we can spend our own funds on. So, there's very few things we can spend them on but economic development activities are one that is allowable to be spent on.

Zach Crittenden

Well, I was at the GCEDC board meeting. Came in, pretty much as soon as we got put in there, we had to leave because it was executive session. I went on your minutes, you can't see anything on your minutes as far as when you're in executive session. And then we did ask the questions, you guys did answer some of them. I guess the disappointment is that the community wasn't able to at least put in their opinion before you even voted on them having this application.

Mark Masse

So again, the initial resolution is just an acceptance of the application and setting up a public hearing. There's no other decision made at that point and time, that is the process under General Municipal Law. So, the point of holding this public hearing is to get those comments and feedback from the public, to share them with our board before they make any decision on the project. That's the purpose of the meeting here

tonight. We generally always do an executive session. There are a very limited number of items and topics that you're allowed to go into executive session to discuss under General Municipal Law. We state those before we go into those and because that is executive session there are no minutes kept. But we do not ever take any votes in executive session so there's nothing there that would have to be disclosed.

Zach Crittenden

And then, I guess everything is as being an economic group, this apartment buildings does not economically or help the community at all. So, I guess what is the benefit for the community on, I guess, the board's standpoint of having apartments in the town of Pembroke?

Mark Masse

So, our board has taken a standpoint that based on the Genesee County Housing Needs Assessment that was done that there's a greater need for market-rate apartments. I understand the concern around anything that might be less than market-rate, I guess I would say, we see that need is for market-rate apartments. Our board has made the decision that they wish to try and assist in the construction of those market-rate units. And again, there will be language in the documents that states, that if it is not market-rate, we would cancel the PILOT and we would claw back any incentives that were given, which we are currently doing with the project in Batavia. So, our board is adamant that it's market-rate and market-rate only. Anything other than that, our board would not be looking to support.

Michael Saeli

So, how is it going with, you said, you're taking back the one in Batavia because they're not in, how is that process going?

Mark Masse

So, we're in the process of filing the paperwork now.

Michael Saeli

Well, what's going to happen long run, all, when you say we're in the process of filing the paperwork is what your hopes, what's really going to end up there?

Mark Masse

Well, I think our board's perspective at this point in time, that they would wish to cancel those and if anybody else wishes to move forward with a project there, they're more than welcome to submit an application to potentially be considered. But again, it would have to be something the board would be willing to support.

Michael Saeli

So, it's going to be caught up in paperwork for a long time basically.

Mark Masse

I don't know. There's a very large group of investors that are tied up in that, that is out of our control. And there are banks involved, New York State's got funding in there, so a lot of that is out of our realm of what we have any say in.

Michael Saeli

And if you say your board is completely volunteer, how do you get on the board?

Mark Masse

So, the Genesee County Legislature accepts applications and appoints our board members who serve, I think six- or seven-year terms.

Michael Saeli

So, everybody served, everybody's in there now that's in there. Because it doesn't, you guys aren't showing a really good track record lately with the STAMP plant, it seems like a lot of things are going wrong. What Orleans County is suing you now and stuff? That whole project is turning, kind of looking like a flop. Not a flop, but they're not, you don't see much of anything going on there now. You go by there, and there's nothing happening there. There are no workers. And now the Ellicott Station is another project that's going on presently. You're having problems with that. You're going through it again. You got to see why our town isn't too eager to support what you're doing. The projects you have existing right now aren't going as planned. Am I wrong in saying that? Or what other projects are going right for you guys right now?

Mark Masse

Well, Plug Power is under construction. Edwards Vacuum is going through the site plan approval process right now. They will be breaking ground next spring. We continue to move forward with several other companies that are interested in the STAMP site. So, I would say that is moving forward very successfully. And yes, there are challenges.

Michael Sael

Isn't that all hinging on Orleans County's lawsuit, everything?

Mark Masse

We will be dealing with all the challenges that we have there and moving forward. As far as Ellicott Station, again, we were a small piece of that. I don't think that project ended up being what we had thought it was going to be at the start, which is why we are now canceling that PILOT. I think if you look at the overall track record, we've been very successful over the last 20 years. I think our agency has helped assist companies to create close to 2,500 jobs, at least through the reporting. A lot of those were frozen because after the PILOTs expire, the companies are not required to report to us anymore. But we've been incredibly successful. If you look at our Agri-Business park, there's almost 1,000 employees working there. If you look at the other two new facilities that were built on Saile Drive as well as our Gateway II Corporate Park. Out of all our corporate parks, I think aside from STAMP and LeRoy they are about 80% sold out. We've been successful here at the Buffalo East Tech Park, landing good tenants there. So, we've been incredibly successful with the parks that we've had. Unfortunately, the success stories aren't the ones that hit the paper. It's the non-success stories that hit the paper unfortunately. But you know, those are the challenges that we face and we continue to move forward and we will be successful with those projects.

Zach Crittenden

This number, the number you have for employees that you have that, these jobs produce. Are those day-to-day jobs or are those jobs in construction and the building of it. These are day-to-day employees?

Mark Masse

So, what happens is whenever a company receives incentives from us, they're required to fill out what's called an APR, an Annual Performance Report, on an annual basis. They have to provide us copies of the NYS-45s, which are your payroll forms that get sent into New York State to verify their employment count. Those are actual employees, salaried employees, who work for that company. So the construction jobs, we generally don't get those reported to us. If they do contractors who are not employees, they bring in consultants, those generally don't get reported. So, these are actual employees who receive wages from those companies that are reported into New York State. Those companies are required to send us those forms every year on an annual basis until their PILOT has expired. We have to take those job numbers and we compare them against what they pledged, and then those get reported to the board on an annual basis. If the company is underperforming, our board reserves a right to call a company in, and ask them why they are underperforming? And they could potentially cancel a PILOT at that point and claw back incentives for not meeting job requirements. I will say that, obviously coming through COVID, a lot of companies had some difficult times maintaining their employment level as well as achieving some of the employment goals they had stated. I can tell you that for the majority of the projects we have, they are at or have exceeded

their job creation goals that they pledged and our full board has been very pleased with the progress that we see with those companies. Once the incentives are over, those companies are no longer required to report to us so we don't know what the job amounts are from there, but all of those companies are still here and operating.

Any other questions?

Zach Crittenden

I'm just going to come back again, and I guess one more time. This project down here is not providing any jobs except for 2 part-time jobs and as we described it, these people couldn't even live in his apartments. It's not producing anything as far as for the community. I guess that's all I got for a comment.

Michael Saeli

I certainly believe if it was a general population vote of the residents of the town, it would be voted down by a very large number. There's a lot more people against this than are for it because it doesn't do anything for us. It creates more of a burden on us, giving companies tax breaks. And then tomorrow night there's going to be a meeting to raise our taxes of the general people that supply the town and take care of the town. That meeting's coming up tomorrow night. They're going to raise our taxes.

Nicole Begin

The proposed budget has a zero tax increase.

Michael Saeli

What's that?

Nicole Begin

The proposed budget has a zero tax increase.

Zach Crittenden

But the proposal of the second on the school does. That just came out.

Mark Masse

Well, thank you very much for coming out. We appreciate you taking the time to come out here. We appreciate your comments. We will gather them together and we will provide them to the board and we will make sure we discuss these comments with the board and make them aware of them tomorrow at the meeting. Thank you everybody for coming out tonight.

Michael Saeli

What time is the meeting tomorrow?

Mark Masse

4 pm at the MedTech Centre, across the street from GCC.

Michael Saeli

In Batavia? And that's open to as many people from the Town of Pembroke that want to come?

Mark Masse

It's open to the public, we have limited space but it is open to the public. There will be executive session first, as we do with every board meeting for the qualified topics that we are allowed to do that. So, there probably would be if anybody did show up, they would probably be asked to leave right after the meeting starts. We go through our executive session which could be anywhere from 15 minutes to almost an hour depending upon the topics we need to cover. When we come out of executive session, the public would be able to come back in.

Michael Saeli

And that's when you're going to make your vote?

Mark Masse

That is on the agenda, I believe that is probably the second or third item on the agenda, the discussion of this proposal for consideration.

Michael Saeli

So tomorrow's the final day? It's either going to be yes, move forward or no.

Mark Masse

Correct, for incentives, I believe the town planning board already approved the project? That's correct. Because technically, we can't do any votes until SEQR is completed, and SEQR is generally the town planning board's approval process.

Unknown Person that did not sign the attendance sheet

I'm just wondering why he, the person that's building these apartments, is asking for incentives now, when he was here, and he says I'm not asking for any incentives at all?

Mark Masse

Again, I wasn't at that meeting so I don't know. I can't answer that question.

Michael Saeli

It's our fault as residents for not coming to the planning meeting.

Unknown Person that did not sign the attendance sheet

I was at that meeting too.

Zach Crittenden

Well, it sounded good then.

Unknown Person that did not sign the attendance sheet

There was only two people that said no and everyone else said yes.

Mark Masse

Well, thank you very much everybody for coming tonight. Appreciate you taking the time and providing your comments.

We received additional written comment after the public hearing was held. Please see the email dated October 25, 2023, attached to the minutes, that was submitted to the GCEDC by Connie McCumber Brown to be included with the written record.

V. ADJOURNMENT

The public hearing was closed at 6:45 p.m.

Pembroke Central School District



Routes 5 & 77, PO Box 308
Corfu, New York 14036-0308
Tel (585)599-4525 or (585)762-9333
Fax # (585) 599-4213

Matthew E. Calderón
Superintendent

Becca Bliemeister
School Business Manager

Julie Lawson
Transportation Supervisor

Pembroke Town Planning Board
1145 Main Road
Corfu, NY 14036

September 25, 2023

Dear Members of the Pembroke Town Planning Board,

I am unable to attend the meeting this Wednesday. Please accept this letter as my submission of comments regarding the 8900 Alleghany Road multi-family development project proposal. I spoke to the developer, Mike Schmidt, by phone on two occasions. My Transportation Supervisor, Julie Lawson, spoke to him as well.

Our main concern is relative to safely picking up and dropping off students each day. Mr. Schmidt is willing to allow our buses to enter the premises, and we would prefer to do that as opposed to using Route 77. My Transportation Supervisor would prefer if the plan included a permanent assigned location to pick up the students. A turn-around or a pick-up lane *off* of Route 77 and within the front end of the complex, with a bus stop shelter, might be an option if width distances and turning radiuses in the parking lots will be negatively impacted by snow during the winter. The Big Tree Glen apartment complex on Route 5 has a turn-around, and it works well. *On the other hand*, if our buses are able to easily maneuver inside the apartment parking lots, perhaps there is merit to having them stop at each building to keep students from walking any distance in the weather to the front of the complex.

Aside from maintaining the health and safety of our students, another question we have relates to our capacity to fund budget increases that new students might require. We understand that this concern is out of the purview of the planning board, and there is no way to forecast what those costs might be. It may be a non-issue altogether, but if the increase in revenue from the project's assessed taxes or PILOT agreement does not cover the increase in costs associated with new students, that would be of concern to us.

Generally speaking, the district supports initiatives that would increase our enrollment and strengthen our extra-curricular and athletic programs. We take pride in the quality education we deliver, and we receive calls on a regular basis from non-resident parents who want to send their children to Pembroke schools. We believe there is a market for housing in our school district, and we trust the planning board will ensure that any such projects adhere to the zoning and codes that are established.

Respectfully,

A handwritten signature in black ink that reads "Matthew E. Calderón". The signature is written in a cursive style with a large, prominent 'M' and 'C'.

Matthew E. Calderón
Superintendent of Schools

Lauren Casey

From: Connie McCumber Brown <cjmccb3@gmail.com> on behalf of Connie McCumber Brown
Sent: Wednesday, October 25, 2023 8:15 PM
To: lcasey@gcedc.com
Subject: Fwd: Apartments and taxes

----- Forwarded message -----

From: **Connie McCumber Brown** <cjmccb3@gmail.com>
Date: Wed, Oct 25, 2023 at 8:13 PM
Subject: Apartments and taxes
To: <gcedc@gcedc.com>

We are really annoyed by the plans you have. Giving tax exemptions to these people that are planning to build the apartments and the town is getting ready to raise the taxes over the tax cap on the residents of Pembroke. What is wrong with that picture? Make them pay the taxes and give it to the town so that the town can do all the things it wants to without causing the residents more financial stress. And you want to let another truck stop be built adding to all the traffic issues we have when Darien Lake Amusement opens every year.

We are on a fixed income that is not rising as fast as the taxes and prices we have to pay to stay alive. The town is not just talking about raising the taxes a little, they are reappraising the property values to get more tax money that way. They just did it 2 years ago and our home has not gained any value in that time. We can't afford for your organization to decide that this new development is needed in Pembroke, and then raise our taxes in several ways on top of it. Get the money from the developers of the project by not giving them the tax breaks or send them to some other place to build.

Sincerely frustrated with the plans you make that we don't get to vote on.

Connie McCumber Brown

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Wednesday, October 25, 2023, at 6:00 p.m., local time, at Town of Pembroke Town Hall, 1145 Main Road, in the Town of Pembroke, New York 14036, in connection with the following matter:

COUNTRYSIDE APARTMENTS, LLC, for itself or on behalf of an entity formed or to be formed (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 8900 Alleghany Road, Town of Pembroke, Genesee County, New York and all other lands in the Town of Pembroke where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as tax parcel No. 19.-1-86); (ii) the phased planning, design, construction and operation of four (4) twenty-four (24) unit market rate apartment buildings, along with utility and site improvements, parking lots, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions and partial mortgage recording tax exemption as authorized pursuant to the laws of the State of New York, consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live at on the Agency's website at www.gcedc.com.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: October 12, 2023

GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A
GENESEE COUNTY ECONOMIC
DEVELOPMENT CENTER

**Genesee County Industrial Development Agency
d/b/a Genesee County Economic Development Center**

Countryside Apartments, LLC – Town of Pembroke

**Public Hearing – Wednesday, October 25, 2023
6:00 PM**

**Town of Pembroke Town Hall
1145 Main Road, Pembroke, NY**

Print First & Last Name	Representing <small>Leave blank if you prefer</small>	Email <small>Will be used to contact you with additional info - leave blank if preferred</small>	Please check if you would like to speak
Nicole Begin	Town of Pembroke		NO
KEVIN REEVES	TOWN OF PEMBROKE		NO
Thomas C Sargent	Village of Corfu		NO
Tom SCHUBMETHL			YES
DARLENE S GLACZYK			NO
Jim GLACZYK			NO
Bill Haubert			NO
RICH WASHINGTON			NO
Muttaly			NO
Tom Samsner			?
Zed Christen			NO
WEB CONTI			YES
PHIL CONTI			YES
George Tilley			NO
Matt Calderin	Pembroke CSID		NO
Marshall Morehouse			NO

