

TOWN OF LANCASTER
INDUSTRIAL DEVELOPMENT AGENCY
21 Central Avenue
Lancaster, NY 14086
(716) 683-1610

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e-mail: lida@lancasterny.gov

To: The Chief Executive Officers of
Affected Tax Jurisdictions and Local IDAs

**Re: Lancaster Industrial Development Agency
Tops Markets, LLC (“Company”)
5873 Genesee Street, Lancaster, New York
Notice of Proposed PILOT Deviation**

Ladies and Gentlemen:

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 Lancaster Industrial Development Agency (the “Agency”) on September 14, 2021 at 8:40 a.m. at the Agency’s offices at 21 Central Avenue, Lancaster, NY 14086 regarding the Company’s:

Request for Agency assistance on a project located at 5873 Genesee Street, Lancaster, New York. Company seeks maintain the viability of its existing warehouse in light of the merger of Company with Price Chopper. The Company is requesting an extension of its exemption from real property tax through a payment in lieu of taxes as well as mortgage tax abatements having a project cost of approximately \$40,000,000.00.

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept comments from all persons with views in favor of or opposed to the proposed financial assistance and the contemplated PILOT Agreement as described within the Notice of Public Hearing and further detailed in this notice. Written comments may be submitted at this public hearing or delivered to the Agency at the above address until the comment period closes on September 14, 2021 at 8:40 a.m. The project application is available for public inspection at the Agency’s offices Monday through Friday (excluding public holidays) from 9:00 a.m. until 4:00 p.m.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.

Pursuant to the Company’s application, the Company has made a request to the Agency (the “PILOT Request”) that the Agency enter into a payment in lieu of taxes (the “Proposed PILOT Agreement”) having terms that deviate from the Countywide Industrial Development Agency Uniform Tax Exemption Policy (“Policy”). As such, we are also providing this notice to you pursuant to Section 874 of the General Municipal Law of the State of New York as a notice of contemplated deviation from the Agency’s Policy.

The PILOT Request deviates from the Agency’s Uniform Tax Exemption Policy because it contemplates a five year PILOT Agreement with PILOT payments at 50% of the assessed value for five years..

This notice is being sent to you for purposes of complying with the Policy, which requires written notice be provided to you prior to the Agency taking final action with respect to the PILOT Request. In support of the proposed deviation, the Agency shall consider the following factors prior to approving the proposed deviation from its Policy:

1. The extent to which the project will create or retain permanent, private sector jobs. Although no permanent jobs are anticipated to be created, the Company has represented that the project is anticipated to retain 699 full time and 44 part time, well-paying jobs and to create 4 new full time jobs.
2. The estimated value of tax exemptions to be provided. The estimated value of the real property tax exemptions is \$2,992,000.00.
3. Whether affected taxing jurisdictions shall be reimbursed by the Project occupant if the Project does not fulfill the purposes for which an exemption was provided. The Company will be subject to potential financial assistance recapture with respect to any Agency benefits in the event it does not adhere to the Agency's standard material terms and conditions of receipt of financial assistance.
4. The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity. The impact of the Project is positive. The property on which the Facility is located is currently operated as a landfill and would otherwise have very limited ability to be further developed.
5. The amount of private sector investment generated or likely to be generated by the proposed Project. The total private sector investment in the Project is expected to exceed approximately \$40,000,000.00.
6. The demonstrated public support for the Project. The Town of Lancaster has expressed its support for the Project due to the fact that many well-paying jobs will be retained.
7. The likelihood of accomplishing the proposed project in a timely fashion. The job retention will happen immediately.
8. The effect of the proposed Project upon the environment. The Project is not expected to result in any adverse environmental impact.
9. The extent to which the Project will require additional services. This Project is not expected to require any additional services beyond those already in existence.
10. The extent to which the Project will provide additional sources of revenue for municipalities and school districts. The benefit is a positive one economically, given the job retention at the facility as well as the associated business and jobs that will stay in the community.

Prior to taking final action on the proposed deviation from the Policy, the Agency will review and respond to any correspondence received from any affected tax jurisdiction regarding the proposed deviation. The Agency will allow any representative of an affected tax jurisdiction present at the meeting to address the Agency regarding such proposed deviation.

Very truly yours,

LANCASTER INDUSTRIAL DEVELOPMENT
AGENCY

BY: 

Chief Executive Officers of Affected Tax Jurisdictions and Local IDAs

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