



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING MINUTES
May 21, 2024

Time & Place: 12:00 p.m. at City Place

Board Present: A. Burr, N. Jones, J. Popli, L. Bolzner, R. King, T. Milne

Absent: J. Alloco

Also Present: A. Liss, R. Finnerty, A. Clark, J. Spinelli, R. Baranello, Esq., G. Genovese, H. Maffucci,
A. Sepulveda

Chair Burr called the meeting to order at 12:00 p.m. and L. Bolzner led the board in the Pledge of Allegiance.

On motion by R. King, second by L. Bolzner, all aye, minutes of the March 26, 2024 meeting were approved.

PUBLIC COMMENTS

- County Executive Adam J. Bello spoke in favor of the Topgolf USA RCH, LLC project.
- Supervisor Bill Moehle, Town of Brighton spoke in favor of the Topgolf USA RCH, LLC project.
- Don Jeffries, President & CEO, VisitRochester spoke in favor of the Topgolf USA RCH, LLC project.
- Matt Hurlbutt, President & CEO, Greater Rochester Enterprise spoke in favor of the Topgolf USA RCH, LLC project.
- Claudia Perea spoke against the Topgolf USA RCH, LLC project.
- Tim Starwald, Business Agent, Ironworkers Local 33 spoke about a recent local labor exemption at the fairlife project and stressed the importance of using local labor.
- Rachel Barnhart spoke against the Topgolf USA RCH, LLC project.

J. Spinelli presented the local labor monitoring report on behalf of K. Loewke for March and April 2024.

B. Lafountain reviewed the local labor exemption report for April 2024.

G. Genovese presented the financial report for April 2024.

Executive Director Liss presented the following projects for consideration:

Topgolf USA RCH, LLC/Westfall Brighton SRE LLC

Topgolf USA RCH, LLC is proposing to construct an approximately 48,282 sq. ft. building in the Town of Brighton. The Topgolf facility is considered “retail” under Section 862 of the General Municipal Law. In order to qualify for benefits, Topgolf has demonstrated that a significant number of patrons from outside the economic development region will travel to the facility. Topgolf will provide a unique golf entertainment venue with high-tech golf driving range games, full-service restaurant and bar, and event

space. The facility will have 80 hitting bays with a 205 yard long outfield and is expected to draw over 250,000 visitors annually. The Town of Brighton and Topgolf will enter into a host community agreement, whereby Topgolf will pay to the Town an amount equal to the real property tax abatement provided under the PILOT Agreement, thereby making the Town “whole”. The \$39.8 million project is projected to create 212 FTEs. Topgolf is seeking approval for an Enhanced Jobs Plus Real Property Tax Abatement and Sales Tax exemption. Westfall Brighton SRE LLC is seeking approval for a sales tax exemption and a mortgage recording tax exemption. The Benefit/Incentive ratio is 32:1.

The applicant was represented by Betsy Brugg, Esq., Woods Oviatt Gilman, and Todd Waldo, Director of Real Estate, Topgolf International Inc. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance. The applicant indicated that they are uncertain if there will be a need for local labor waivers at this time. Mr. Waldo did indicate that all bids were competitive, highly complicated and would be posted on The Builders Exchange of Rochester Planroom, per COMIDA policy. Mr. Milne emphasized the importance of utilizing as much local labor as possible. Ms. Baranello stated that there were no comments at the public hearing which was held on May 16, 2024 but a written comment was read into the record by Deputy Director Finnerty and the same distributed to the board.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 16, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY TOPGOLF USA RCH, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AND WESTFALL BRIGHTON SRE, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, "WESTFALL"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AND WESTFALL AS AGENTS OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY AND WESTFALL IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT, AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by R. King, second by N. Jones for inducement and final resolution approving a sales tax exemption, partial mortgage recording tax exemption and a partial real property tax abatement, a roll call vote resulted as follows and the motion carried:

J. Popli	Nay	J. Alloco	Absent
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

DelMonte Development LLC

DelMonte Development LLC is constructing a new 114,000 sq foot hotel with 191 rooms in the City of Rochester. This project is considered “retail” under Section 862 of the General Municipal Law, however,

the project qualifies for benefits under the “highly distressed area” exception (project is located in a distressed census tract). This finding by the Agency will require confirming approval from the County Executive. This new facility will be a dual brand hotel concept featuring the Element by Westin for extended stay, and AC Hotels by Marriott to accommodate business travelers. This project is located in the City Gate Development and aligns with the original concept for the complex. DelMonte Development LLC plans to create 33 new FTE’s. The \$42.8 million project is seeking a custom real property tax abatement, supported by the City of Rochester, mortgage recording tax exemption and sales tax exemption. The cost benefit ratio is 10:1.

The applicant was represented by Alex Delmonte, CEO & President. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated that there were no comments at the public hearing which was held on May 16, 2024.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 16, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY DEL MONTE DEVELOPMENT LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by R. King, second by N. Jones, for inducement and final resolution approving a sales tax exemption, partial mortgage recording tax exemption and a custom real property tax abatement, a roll call vote resulted as follows and the motion carried:

J. Popli	Nay	J. Alloco	Absent
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Maguire Family Properties, Inc.

Maguire Family Properties, Inc., a real estate holding company, is constructing a 40,000 sq foot addition for its tenant Atlantic Plywood Inc.. (API) in the City of Rochester. API is the leading wholesale supplier of quality hardwood plywood and panel products on the East Coast. This expansion will provide space for the tenant to expand its operation by adding functionality and product lines currently not handled at the site, or in the area. The project projects to create 5 new FTE’s in addition to its existing 18 FTE’s. Maguire Family Properties, Inc. is seeking a real property tax abatement, mortgage recording tax exemption and sales tax exemption for its \$4.6 million portion of the project. The tenant is seeking approval of a sales tax exemption on a \$600,000 racking system. The cost benefit ratio is 7:1.

The applicant was represented by Spencer Read, Mitchell Design Build, on behalf of the applicant. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated that there were no comments at the public hearing which was held on May 16, 2024.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 16, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY MAGUIRE FAMILY PROPERTIES, INC., OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AND ATLANTIC PLYWOOD OF NEW YORK, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "TENANT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AND THE TENANT AS AGENTS OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY AND THE TENANT IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT, AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF PROJECT AGREEMENTS, A LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by L. Bolzner, second by N. Jones, for inducement and final resolution approving a sales tax exemption, partial mortgage recording tax exemption and a partial real property tax abatement, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Gallina Elmgrove, LLC

Gallina Development is proposing the construction of a 33,900 sq. ft. office/warehouse building in the Town of Gates. The building will join 14 existing buildings in the Elmgrove Crossing Business Park. This building is considered a flex property designed to meet the demand for light industrial and flexible spaces and will be divided into suites for tenants to be identified. The applicant is seeking approval of sales tax exemption and mortgage recording tax exemption only. The Benefit/Incentive ratio is 6:1.

The applicant was represented by Evan Gallina, Partner, and Andy Gallina. Matt H. also spoke on the need for flex space in the County. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not expect any local labor exemptions at this time. Ms. Baranello stated that there were no comments at the public hearing which was held on May 17, 2024.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD

BY THE AGENCY ON MAY 17, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY GALLINA ELMGROVE LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by N. Jones, second by L. Bolzner, for inducement and final resolution approving a sales tax exemption and partial mortgage recording tax exemption, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

49 East Avenue LLC.

49 East Avenue, LLC, a real estate holding company, is re-developing an unoccupied 65,000 sq. foot office building in the City of Rochester. This facility will consist of approximately 54 residential units for medical students in residency at Rochester General and Unity Hospitals. Units will consist of 21 studio, 30 one bedroom and 3 two bedroom apartments ranging between \$1,234 and \$2,403. 49 East Avenue, LLC plans to create 1 new FTE. The \$19 million project is seeking a Shelter Rent property tax abatement, mortgage recording tax exemption and sales tax exemption. The cost benefit ratio is 3:1.

The applicant was represented by Gary Izzo, Director of Financial & Capital Markets. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated that there were no comments at the public hearing which was held on May 16, 2024.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 16, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY 49 EAST AVENUE, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT,

LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by J. Popli, second by T. Milne, for inducement and final resolution approving a sales tax exemption, partial mortgage recording tax exemption and a Shelter Rent real property tax abatement, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Abstention
N. Jones	Yea		

ESIV LLC

ESIV LLC is proposing the construction of 73 senior apartment and townhouses units in the Town of Henrietta. This project will be Phase IV of the Erie Station Development. Phases I, II and III all received JobsPlus Real Property Tax Abatements through COMIDA. The units will consist of 17 one-bedroom, 28 two-bedroom, 11 three bedroom apartment as well as 17 two-bedroom townhouses. Twelve units will be designated affordable, with 6 reserved for individuals earning 60% of the Area Median Income (AMI) and 6 for those earning 80% of the AMI. Market rate rents will range from \$1,500 to \$2,500 per month. ESIV LLC plans to create 3 new FTE's over the next three years. The \$15.5 million project is seeking a real property tax abatement, mortgage recording tax exemption and sales tax exemption. The cost benefit ratio is 7:1.

The applicant was represented by Kevin McAuliffe, Esq., Barclay Damon. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and anticipates a local labor exemption for gycrete. Ms. Baranello stated that there were no comments at the public hearing which was held on April 12, 2024.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON APRIL 12, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY ESIV LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENTIN- LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by R. King, second by J. Popli, for inducement and final resolution approving a sales tax exemption, partial mortgage recording tax exemption and a real property tax abatement, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Abstain	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Executive Director Liss presented the following modification for consideration:

Ambassador Union Street LLC – Extension

Ambassador Union Street LLC, a real estate holding company, is renovating the existing Ambassador apartment building and neighboring multi-unit house in the City of Rochester. The \$20,000,000 project was originally approved in May 2022. This building is 99 years old and needs major renovations in order to comply with modern building code regulations. It will be renovated to a 90 room Marriott Tribute Portfolio Hotel, located in the Neighborhood of Play. The project was approved for a real property tax abatement, mortgage recording tax and sales tax exemptions. The applicant is seeking an extension of the sales tax exemption through December 31, 2026 because of construction delays due to financing and the economic climate.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO AMBASSADOR UNION STREET LLC (THE "COMPANY") THROUGH DECEMBER 31, 2026, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by N. Jones, second by R. King, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2026.

The Finance Committee Report was given by Chair Burr. The Finance Committee met on May 15, 2024. The committee reviewed the proposals from the Fiduciary and Investment Management RFP. No decision has been made at this time. The committee will continue the discussion in a few weeks at a future meeting.

The Governance Committee Report was given by J. Popli. The Governance Committee met on April 23, 2024 and May 7, 2024. The current Housing Policy was reviewed and proposed changes were discussed. The committee has made significant progress on advancing a revised policy to the Board. The committee will continue the discussion at the next meeting on May 30, 2024.

On motion by J. Popli, second by N. Jones, all aye, motion carried to enter into executive session under Section 105(f) of the Public Officers Law for the purpose of discussing a personnel matter at 2:10 p.m.

On motion by J. Popli, second by L. Bolzner, all aye, motion carried to come out of Executive Session and continue the regular meeting at 2:25 p.m.

On motion by J. Popli, second by N. Jones, all aye, motion carried to create and fill a new Project Manager position at a Grade 17.

On motion by N. Jones, second by J. Popli, all aye, motion carried to authorize the Executive Director to enter into contract with Mindex, a software development company, to upgrade the outdated project Access database to a modern, cloud-based program for up to \$30,000.

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On motion by J. Popli, second by R. King, all aye, motion carried to approve the submission of the FAST NY Track C grant application to New York State for the Southwest portion of Henrietta for electrical infrastructure improvements.

Executive Director Liss stated that staff is still working on the annual PARIS report that was due by April 1st. There are still some projects that still have not returned the annual report to staff. Staff will continue to gather the required information and will report back at the next meeting.

Executive Director Liss reviewed the current dashboard.

There being no further business to discuss, on motion by N. Jones, second by L. Bolzner, all aye, the regular meeting of the Board was adjourned at 2:43 p.m.