



**COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY**

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**MINUTES – AGENCY MEETING – March 15, 2016**

Time & Place: 12:00 Noon, Ebenezer Watts Conference Center,  
49 S. Fitzhugh Street, Rochester, New York

Board Present: T. Mazzullo (Chair), E. Caccamise, C. Campbell,  
J. Popli, M. Siwiec, M. Worboys-Turner

Board Excused: A. Burr

Also Present: P. Johnson (Acting Executive Director),  
E. Liberti, M. Townsend, Esq., R. Baranello-Endress, Esq.

Chair Mazzullo called the meeting to order. J. Popli led the Pledge of Allegiance.

Chair Mazzullo opened the Public Forum. Joanne Sasse offered comments regarding board members and staff, encouraged recapture of benefits and offered comments in opposition to the applications before the board today. Doug Fisher complimented the Armory project and offered comments in opposition to the Morgan Court Ave LLC and Morgan U-Ave LLC projects citing the impact on the City of Rochester, the natural environment, river views and access. Bruce Barnes, Eastman Museum Director, offered comments in opposition to the Morgan U-Ave LLC project citing the impact on the National Historic Landmark Eastman Museum and the East Avenue Preservation District, the impact on other rental property owners through depression of rental rates and that approval of assistance would be inconsistent with mission of COMIDA. There being no further speakers, the Public Forum was closed.

Yvonne Lowrey of Loewke Brill Consulting Group, Inc. presented the Monitoring Report for the period of February 1, 2016 – February 29, 2016. During that time, 56 monthly and 4 follow up visits were conducted. Of the 319 workers that were identified, eight were noncompliant on the initial visit. As of February 29, 2016 all monitored sites were compliant. Signs were delivered to 1 new project site.

P. Johnson presented the following applications for agency consideration:

**Whitney Baird Associates LLC**

**Lease/Lease with JobsPlus**

The company was represented by Fred Rainaldi Jr. Whitney Baird Associates LLC (WB), a local real estate development company, was approved for assistance in 2010 to acquire and renovate the former Culver Road Armory in the City of Rochester. This property had been owned by New York State since 1917. In 2013, WB was approved for assistance for Phase 2 of the redevelopment which included the restoration and expansion of an existing barn. To date, WB has invested more than \$25 Million to create a 150,000 square foot mixed use commercial facility housing premium office space and specialty retail. WB is now seeking approval of the final phase of the project, a 15,000 square foot specialty retail building. The \$4,102,500 project is projected to create 10 new FTEs over the next three years. The applicant is seeking approval of the JobsPlus property tax abatement. The job creation requirement is 1 FTE. The Benefit/Incentive ratio is 2.5:1. A Public Hearing was held in the City of Rochester on December 15, 2015. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by C. Campbell and seconded by E. Caccamise, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by M. Siwiec and seconded by J. Popli, an inducement resolution was adopted approving subject project. All Aye.

**Morgan U-Ave LLC****Lease/Leaseback with JobsPlus**

The company was represented by Jerry Goldman. Morgan U-Ave LLC (MUA), a local real estate development company, is proposing a \$22.6 Million redevelopment of a 2.51 acre site on University Avenue in the City of Rochester. The property includes an existing residential structure, originally built in the 1920's that is currently owned and occupied by a not-for-profit veteran's organization, Monroe Voiture. The property is in poor condition. The building will be acquired by MUA, renovated and leased to the Monroe Voiture, which will ensure the long-term health of the Monroe Voiture and the many veterans programs that are operated from this facility. Additionally, MUA will be constructing a four story, 115,200 square foot, 99-unit apartment building with interior parking spaces and a surface lot. The project is projected to create 3 new FTEs over the next three years. The applicant is seeking approval of JobsPlus property tax abatement. The job creation requirement is 1 FTE. The Benefit/Incentive ratio is 2.5:1. A Public Hearing was held in the City of Rochester on March 15, 2016. Acting Executive Director Johnson recapped the opposition comments, many of which were restated during the Public Comment portion of the meeting, and also noted comments by Monroe Voiture in support of the project and the benefits to area veterans. COMIDA Counsel M. Townsend noted that he had been advised by the Eastman Museum of their intent to file a lawsuit should COMIDA approve assistance for the project. Mr. Townsend recommended that the Board only consider preliminary approval subject to further review and negotiations between all parties. After a brief discussion and on a motion made by M. Siwiec and seconded by M. Worboys-Turner, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by J. Popli and seconded by E. Caccamise, a preliminary inducement resolution was adopted approving subject project, with final approval to be considered at the April 2016 meeting. All Aye. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements.

**Morgan Court Street Apartments****Lease/Leaseback with JobsPlus**

The company was represented by Jerry Goldman. Morgan Court Street Apartments LLC (MCSA), a local real estate development company, is proposing a \$32.4 Million redevelopment of a 1.63 acre site on Court Street in the City of Rochester. The project includes construction of a 223,900 square foot, 5-story mixed use building along the Genesee River consisting of 124 residential units, 10,000 square feet of commercial/retail and back office space and parking. The project is projected to create 3 new FTEs over the next three years. The applicant is seeking approval of JobsPlus property tax abatement. The job creation requirement is 1 FTE. The Benefit/Incentive ratio is 2.1:1. A Public Hearing was held in the City of Rochester on March 15, 2016. Acting Executive Director Johnson recapped opposition comments that cited adverse impact on the riverfront, historic buildings and river access. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by M. Siwiec and seconded by E. Caccamise, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by M. Siwiec and seconded by E. Caccamise, a preliminary inducement resolution was adopted approving subject project, with final approval to be considered at the April 2016 meeting. All Aye.

**21 Humboldt Street LLC****Lease/Leaseback with JobsPlus**

The company was represented by Jerry Goldman. 21 Humboldt Street LLC, a Morgan development company, is proposing the multi-tenant redevelopment of an existing 127,800 square foot former Harris building in the City of Rochester. This \$3.5 Million phase will renovate approximately 48,800 square feet which will be leased to Vertus Charter School, a non-profit charter high school for young men in grades 9-12. The project will include classrooms, cafeteria and gymnasium. The project will impact 29 FTEs and is projected to create 14 new FTEs over the next three years. The applicant is seeking approval of JobsPlus property tax abatement. The job creation requirement is 3 FTEs. The Benefit/Incentive ratio is 3.1:1. A Public Hearing was held in the City of Rochester on March 15, 2016 with no comments received. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by C. Campbell and seconded by J. Popli, an inducement resolution was adopted approving subject project. All Aye.

Acting Executive Director Johnson noted that the Big Apple Deli Products Inc. application was withdrawn by the Applicant.

**RR Street LLC****Lease/Leaseback with JobsPlus**

The company was represented by Adrian Morgenstern. RR Street LLC, a local real estate entity, is proposing mixed use redevelopment of an existing 32,000 square foot warehouse located adjacent to the Public Market in the City of Rochester. The initial tenant will be SCN Hospitality LLC, a commercial restaurant commissary serving several local restaurants. SCN's operations will occupy approximately 5,500 square feet. An additional 4,700 square feet will be leased to two restaurant operations. The \$3,096,300 project will impact 6 FTEs and is projected to create 3 new FTEs over the next three years. The applicant is seeking approval of JobsPlus property tax abatement. The job creation requirement is 1 FTE. The tenants are seeking approval of sales tax exemptions on furniture, fixtures & equipment. The Benefit/Incentive ratio is 2.6:1. A Public Hearing was held in the City of Rochester on March 15, 2016 with no comments received. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by M. Siwec and seconded by M. Worboys-Turner, an inducement resolution was adopted approving subject project. All Aye.

**Klein Steel Service Inc.****Sales Tax Exemption Only**

The company was represented by Michelle Westrich. Klein Steel Service, Inc. (KSS), a producer and distributor of carbon, stainless steel, and specialty metals products located in the City of Rochester, is proposing a \$5 Million investment to support a new customer contract. KSS will be investing \$3 Million in manufacturing equipment and \$2 Million in specialized inventory. The project will impact 175 existing FTEs and result in the creation of 12 FTEs within one year. KSS has been approved for a GreatRate on the equipment purchase through the Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus sales tax exemption on \$107,000 of equipment, furniture & fixtures. The Benefit/Incentive ratio is 59.1:1. After a brief discussion and on a motion made by J. Popli and seconded by C. Campbell, an inducement resolution was adopted approving subject project. All Aye.

**135 FedWhy Way LLC/Grove Roofing****Lease/Leaseback with JobsPlus**

The company was represented by Shane Baxter and Fred Schoeneman. 135 FedWhy Way LLC, a real estate holding company, is proposing to construct a 7,300 square foot commercial building on 1.5 acres in the Town of Gates. The building will be leased to a related entity, Grove Roofing Services Inc., a union commercial roofing company. The \$525,000 project will provide office and warehouse space for the existing 9 FTEs and is projected to create 17 new FTEs over the next three years. The applicant is seeking approval of the JobsPlus property tax abatement. The job creation requirement is 1 FTE. Grove Roofing is seeking sales tax exemption on materials, furniture, fixtures & equipment. The Benefit/Incentive ratio is 18.6:1. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by M. Siwec and seconded by M. Worboys-Turner, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by M. Siwec and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

**Schreiber Family Properties LLC****Lease/Leaseback with JobsPlus**

Schreiber Family Properties LLC, a real estate holding company, is proposing a 30,000 square foot expansion to an existing 43,100 square foot commercial building on 4.4 acres in the City of Rochester. The property is leased to a related entity, Main Ford General Supply Co., Inc., a food service equipment wholesaler. The expanded location will accommodate continued growth in the business and provide much needed warehouse space. The \$820,000 project will impact 24 FTEs and is projected to create 3 new FTEs over the next three years. The applicant is seeking approval of the JobsPlus property tax abatement. The job creation requirement is 3 FTEs. The Benefit/Incentive ratio is 3.6:1. After a brief discussion and on a motion made by J. Popli and seconded by M. Siwec, an inducement resolution was adopted approving subject project. All Aye.

**Plymouth Terrace LLC/Commercial****Lease/Leaseback with Custom PILOT**

The company was represented by Ken Marvald. In March 2012, Plymouth Terrace, LLC (PT) was approved for assistance to construct a 20,000 square foot office/retail facility at the corner of Main Street and Plymouth Avenue in the City of Rochester. The initial tenant, the US Post Office, occupies approximately 2,000 square feet. This \$936,200 project proposes to convert the unleased office space to residential, with 10 apartments on the upper 2 floors. PT is requesting sales tax exemption and a custom property tax abatement on this project. The City is supportive of this project. The Benefit/Incentive ratio is 2:1. A Public Hearing was held in the City of Rochester on March 15, 2016 with no comments received. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by M. Siwec and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

**Plymouth Terrace LLC/Townhouses****Lease/Leaseback with CHOICE**

The company was represented by Ken Marvald. In April 2011, Plymouth Terrace LLC (PT), a local real estate development company, was approved for assistance to develop 24 attached row houses on a 1.5 acre parcel in the Center City District which was formerly operating as a municipal parking lot. In order to complete the final 10 units, PT is now requesting approval of assistance for project costs in the amount of \$2,335,986. PT is seeking sales tax exemption and approval of the Core Housing Owner Incentive Exemption (CHOICE) abatement available to projects that create market-rate / owner-occupied residential units in the Center City District. The Benefit/Incentive ratio is 2.2:1. A Public Hearing was held in the City of Rochester on March 15, 2016 with no comments received. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by J. Popli and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

**Bergmann Associates****Sales Tax Exemptions Only**

The company was represented by Pete Giovenco. Bergmann Associates, an employee owned company, is an architectural and engineering design firm providing multi-disciplinary services to clients throughout the United States and Canada for over 35 years. Headquartered in the City of Rochester, Bergmann has 12 U.S. offices with a professional and technical staff of architects, engineers, planners, interior designers, landscape architects, programmers, developers, surveyors and 3D design specialists. Bergmann serves clients in the commercial, institutional, retail, educational, industrial and governmental sectors. Bergmann will be relocating to Tower280 at Midtown to accommodate the continued development and growth of their business. The relocation will allow Bergmann to work in modern, state of the art office space. As part of the relocation to Tower280, Bergmann will be committing \$5,422,000 to improving the new headquarters which will occupy approximately 60,000 square feet. The project will impact 186 FTEs and is projected to create 8 new FTEs over the next three years. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 2.6:1. A Public Hearing was held in the City of Rochester on March 15, 2016 with no comments received. After a brief discussion and on a motion made by E. Caccamise and seconded by M. Siwec, an inducement resolution was adopted approving subject project. J. Popli abstained due to a conflict of interest. All others Aye.

**Kaupp Family LLC****Lease/Leaseback with JobsPlus**

The company was represented by Joni Lucas and John Kaupp. Kaupp Family LLC, a real estate holding company, is proposing to add a 6,000 square foot addition to an existing 16,850 square foot commercial building on 2 acres in the Town of Brighton. The facility is leased to a related entity, JK Jewelry Inc., an international manufacturer of precious metal components for the jewelry industry. The addition will accommodate continued growth in the company as it brings manufacturing back from China. The project will impact 74 FTEs and is projected to create 7 new FTEs over the next three years. The applicant is seeking approval of the JobsPlus property tax abatement. The job creation requirement is 7 FTEs. JK Jewelry Inc. is seeking approval of sales tax exemptions on furniture, fixtures & equipment. The Benefit/Incentive ratio is 5.9:1. Upon inquiry by the Chair, the applicant representatives confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by M. Siwec and seconded by C. Campbell, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by M. Siwec and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

On motion made by E. Caccamise and seconded by M. Siwec, the minutes for the meeting of December 15, 2015 & January 28, 2016 were approved. All Aye.

Acting Executive Director Johnson reviewed the Annual Report and Mission Statement and Performance Measurement Report.

On motion made by M. Siwec and seconded by M. Worboys-Turner, a resolution was adopted approving the following officer nominations: Theresa Mazzullo – Chair, Ann Burr – Vice Chair & Treasurer, Jay Popli – Secretary, Clint Campbell – Assistant Treasurer. All Aye.

On a motion made by M. Siwec and seconded by C. Campbell, a resolution was adopted approving the re-adoption of the Governance, Audit and Finance committee charters and the PILOT Compliance Policy, Governance Committee Members: Jay Popli – Chair, Clint Campbell and Theresa Mazzullo, Audit Committee Members: Ann Burr – Chair, E. Caccamise and M. Siwec, PILOT Review Committee Members: Theresa Mazzullo – Chair, Jay Popli and Eugene Caccamise and Finance Committee Members: C. Campbell – Chair, Ann Burr and M. Worboys-Turner.

Governance Committee Chair Jay Popli reported on the Governance Committee meeting of February 24, 2016, noting that the policies, charters and bylaws were reviewed with only one change noted to the Mission Statement and Measurement report. J. Popli noted that the committee reviewed the New York State Office of the State Comptroller's guidance on Conflict of Interest and recommends that abstentions be reflected in the minutes as "due to a conflict of interest." J. Popli noted that the Board Evaluations were conducted and complied and that the board was in agreement with regard to governance and independence, with no recommended changes. On a motion made by J. Popli and seconded by M. Siwec, the revised Mission Statement and Measurement report was approved.

On a motion made by J. Popli and seconded by E. Caccamise, a resolution was adopted approving the following policies and appointments: Mission Statement and Performance Measures, Bylaws, Code of Ethics, Ethics Officer – Eugene Caccamise, Compensation, Reimbursement and Attendance, Defense and Indemnification, Policy for tracking Inventory and Disposal of Assets, Contracting Officer – Paul Johnson, Extension of Credit, Internal Controls and Financial Accountability, Internal Control Officer – Ann Burr, Investment and Deposit, Purchasing, Travel, Whistleblower Policies, Public Comment Rules of Procedure, Freedom of Information Law, Uniform Tax Exemption Policy, Record Retention and Duties & Responsibilities. All Ayes.

E. Caccamise reported that the Audit Committee met with The Bonadio Group to review the COMIDA audit, noting that it was a clean audit, with no new accounting policies adopted during the year, there were no particularly sensitive estimates or disclosures in the current year and no financial difficulties encountered in performing the audit or disagreements with management. E. Caccamise thanked Elaine Liberti for their handling of the COMIDA financial affairs. E. Caccamise then turned the review of the audit over to Randy Shepard of The Bonadio Group. After a brief discussion, on a motion made by M. Worboys-Turner and seconded by M. Siwec, the 2015 Audit was accepted. All Aye.

R. Baranello-Endress Board Counsel, offered comments regarding the recapture provisions contained within the PILOT agreements and noted that a demand letter had been sent to Constantino's market for repayment of sales tax exemptions. Ms. Baranello-Endress presented the following items for Agency Action:

**Miscellaneous:**

**-Vuzix Corporation**

On a motion made by M. Siwec and seconded by J. Popli, a resolution was adopted approving an \$87,500 increase in project costs to \$2,460,602. Original approval July 21, 2015. Incremental benefits \$7,000. All Aye.

**- Elmgrove Ventures LLC**

On a motion made by E. Caccamise and seconded by J. Popli, a resolution was adopted approving a mortgage tax exemption on refinancing. Original approval July 17, 2001. Incremental benefits \$7,000. All Aye.

**-125 EMS Hotel LLC**

A public hearing was held in the City of Rochester on March 15, 2016 with no comments received. On a motion made by E. Caccamise and seconded by M. Siwec, a resolution was adopted approving the terms of the final City Sponsored PILOT. All Aye.

**- Whitney Town Center LLC/Whitney Housing I LLC/Whitney Commercial I LLC**

On a motion made by J. Popli and seconded by E. Caccamise, a resolution was adopted approving a \$2,780,000 increase in project costs to \$23,780,000. Original approval June 16, 2015. Incremental benefits \$176,899. All Aye.

**- Howitt Road**

On a motion made by C. Campbell and seconded by J. Popli, a resolution was adopted approving a \$437,500 increase in project costs to \$10,437,500. Original approval June 21, 2011. Incremental benefits \$35,000. All Aye.

**- Charlotte Square**

On a motion made by E. Caccamise and seconded by M. Worboys-Turner, a resolution was adopted approving a \$1,781,941 increase in project costs to \$16,996,518. Original approval July 24, 2015. Incremental benefits \$70,260. All Aye.

**-Gallina Development**

On a motion made by M. Siwec and seconded by E. Caccamise, a resolution was approved for a mortgage tax exemption on refinancing. Original approval May 2008. Incremental benefits \$25,000. All Aye.

**Terminations:**

**-Twin Granite & Marble Inc.** – 780 Basket Road, Webster

**-Clover Blossom Villas** – Guardian Drive, Brighton

**-LiDestri Foods** – 815 West Whitney Road, Fairport

On a motion made by M. Siwec and seconded by M. Worboys-Turner, a resolution was adopted approving termination of the above projects. All Aye.

There being no further business, on a motion made by J. Popli and seconded by M. Worboys-Turner, the meeting was adjourned.