

**Western New York Economic Development Fund
Recommendation Memo Finding**

Ineligible: Exhibit E-1

Applicant Name:	Market Arcade Film & Arts Center, Inc.	REDC Region:	Western New York
Project Type:	Infrastructure/Downtown Investment	County:	Erie
Industry:	Arts & Entertainment	Locality:	Buffalo
Amount Requested:	\$1,300,000	Total Project Cost:	\$1,850,000

PROJECT DESCRIPTION

Market Arcade Film & Arts Center must upgrade to digital projection in mid-2013 or it will be forced to close. This project would mean an upgrade of film projection equipment for commercial movie viewing.

BASIS FOR RECOMMENDATION

Economic Development Law (“EDL”) § 189-a(5) defines “eligible projects” and further excludes certain categories of projects from such definition, including “retail businesses” as defined by the WNYPPAB and “residential properties” . As noted above, the Board has defined “retail business” to mean “a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services” .

Based on a review of the application and the Board’s definition of “retail business,” Staff recommends that the Board find and determine that the project is not an eligible project. The application submitted by the Market Arcade Film & Arts Center, Inc. proposes a project that constitutes a retail business.