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A major local developer who has tried and failed to win the Town of Grand Island's support for his plans to build on the island now says he's giving up the property and donating it to the Seneca Nation of Indians. Acquest Development's Michael Huntress told The Buffalo News late Friday that he will donate the company's 207-acre parcel on Long Road to the Senecas while he pursues litigation in federal district court against the town for violating his rights as a property owner. The Senecas said they are weighing their options for the property. This land, near the Interstate-190, was the proposed site of a massive Amazon distribution center until pushback on the island prompted the e-commerce giant to move the project to the Town of Niagara.

Huntress has grown frustrated at the town's refusal to let him move forward with this and other redevelopment proposals for the property, even as he said he has invested millions of dollars in a sewer system on the expectation those approvals would come. Huntress accuses Grand Island officials of changing town law, to limit the size of warehouses and distribution centers, in a transparent bid to block his project alone.

Town leaders have previously said they are responding to the concerns of residents and working to properly manage growth on the island.

Now, Huntress said, he's giving up trying to do anything with the property his company has owned since the early 1990s. He said he's pursuing compensation for his financial losses in federal court and donating the land to the Seneca Nation. "Acquest has fully exhausted its efforts to bring economic development and substantial tax revenue to the residents of the Town of Grand Island and has now donated the land to the Seneca Nation of Indians, the rightful owners of Grand Island," Huntress said in an email. "It is a great day for Liberty."

Michael Huntress and his father, William, sold the land for \$1 to the Senecas in a transaction recently approved by the Seneca Nation Council, the Nation said in a statement to The News on Saturday morning.

“We don’t have any definite plans for the land yet, but a site of this size and in this location creates a number of potential economic development opportunities,” Seneca Nation President J. Conrad Seneca said in the statement. “As we continue to try to grow and strengthen our economy and provide for the quality-of-life needs for our people, land is a vital asset.”

Acquest has owned the undeveloped 207-acre site at 2780 Long Road, near a Niagara Thruway interchange, for about 35 years. The company says in its lawsuit, filed on Thursday, that it received town approval early on to construct a 1.65 million-square-foot, light-industrial and office facility at the site. Acquest says the project went through an extensive environmental-impact review and the company agreed, as directed by the town, to build a sanitary sewer district to serve the site.

The system was finished in 2020 and began serving neighboring customers even though Acquest had not built anything on its property. In February of that year, a national developer submitted plans for a five-story, 3.8 million-square-foot distribution center for Amazon at the site. However, the proposal ran into opposition and, in August 2020, the developer pulled the plug on the distribution center and moved the planned facility to Niagara County.

Four months later, Acquest came back with a proposal for a single-story, 1.1 million-square-foot warehouse on the Long Road site. While the Amazon project required rezoning the property, the Acquest warehouse would fit within its light-industrial and research, or M-1, zoning.

Residents objected to this proposal, too, and the Town Board soon eyed amending the town zoning code to further restrict warehouses and distribution centers on the island. Grand Island Planning Board and Erie County officials objected to the code changes, with county officials saying the restrictions could limit economic development. Town Board members had previously said the proposed zoning changes aren’t aimed at any one project and would allow for case-by-case flexibility. But Acquest’s lawsuit states the zoning amendment “was designed to target” the Long Road site.

The Town Board in August passed Local Law No. 2, which limits the square footage of all buildings on a business campus, in the M-1 zoning district, to a maximum 350,000 square feet and, further, bars distribution facilities from operating in an M-1 district.

Acquest argues the company is further limited because this square-footage cap considers other businesses using a common sewer district – such as the one built by Acquest that now serves a hotel, among other off-site venues. The developer said it would be restricted to building a facility of no more than 189,000 square feet.

“We held up our end of the bargain. Sadly, the town did not do the same. We built and installed the sewer system they required, and they responded by taking away our property rights,” Michael Huntress said in his email. “This law was directly targeted at us, affected us and us alone and unconstitutionally violated our rights.”

Huntress declined to comment further on the company’s decision to donate the land to the Senecas. His statement in the email about the Nation being “the rightful owners of Grand Island” is a reference to the Senecas’ hard-fought efforts in the 1990s and early 2000s to claim legal ownership of the island.

A federal court judge, in a ruling upheld on appeal, eventually rejected the Senecas’ claim to more than 40 islands in the Niagara River, including Grand Island, finding the state obtained lawful ownership of those lands at the time of the American Revolution.

“We have lost tens of thousands of acres of our homeland throughout history, so any time we are able to return any portion of our homelands to Seneca Nation ownership for the ultimate benefit of our people, it is an important step forward,” Seneca, the Nation president, said in a statement thanking the Huntresses.

Town officials told The News they were just learning about the lawsuit and the land donation on Saturday morning. “I have no idea what the Seneca Nation intends to do with the land. It is a very prime spot for development. I think the

disconnect's kind of always been, is it a good place for a trucking facility?" Grand Island Supervisor Peter Marston said in an interview.

He said he's always had a cordial relationship with the Huntresses and he's even walked near the Long Road site with company representatives to show why the town had concerns about the effect on traffic. And Marston was a no vote on the zoning change approved by the Town Board.

"Do I think that their project they were showing us had some issues? I do," the supervisor said. "Do I think you put a hard-line limit on square footage? Personally, that was not my way to deal with it."

Town Board Member Dan Kilmer said the town was willing to work with the Huntresses to find a use for the property that neighbors can live with and that recognizes the town's capacity for development is limited by the bridges that serve the island.

He also took issue with the statement referring to the Senecas as the island's "rightful owners" and referred to Acquest's suspected involvement in the attendance at a Town Board meeting in 2023 by half-a-dozen people dressed as clowns.

"They're not the rightful owners of Grand Island that's already been litigated. So that's just a political ploy," Kilmer said. "This is the same as him wearing clown suits to a public hearing on this building. It shows his lack of respect for, actually, the residents of Grand Island."

