

**SEQR Resolution  
September 4, 2018  
DePaul Utica, LP**

**RESOLUTION OF THE CITY OF UTICA INDUSTRIAL  
DEVELOPMENT AGENCY ADOPTING A NEGATIVE  
DECLARATION FOR THE PURPOSES OF SEQRA RELATING  
TO THE DEPAUL UTICA, LP FACILITY.**

WHEREAS, DePaul Utica, LP, on behalf of itself and/or the principals of DePaul Utica, LP and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the City of Utica Industrial Development Agency (the "Agency") to enter into a lease-leaseback transaction in which the Agency will assist in (i) acquisition of four parcels of land measuring 5.31± acres in the aggregate located at 1914 Dwyer Avenue, 309 Gilbert Street and (no number assigned) Gilbert Street in the City of Utica, Oneida County, New York (collectively, the "Land") and the 40,000± square foot commercial building located thereon (the "Existing Improvements"); (ii) demolition of the Existing Improvements; (iii) construction on the Land of a three-story, 63,000± square foot multi-family residential development consisting of sixty (60) rental units, and amenities, offices and parking facilities to service the same (collectively, the "Improvements"); and (iv) the acquisition and installation of furniture, fixtures and equipment in the Improvements (the "Equipment"), all to be used for the purpose of providing low income and supported housing (the Land, the Existing Improvements, the Improvements and the Equipment are referred to collectively as the "Facility" and the acquisition, demolition, construction and equipping of the Facility is referred to collectively as the "Project"); and

WHEREAS, the Agency by resolution duly adopted on September 4, 2018 (the "Resolution") decided to proceed under the provisions of the Act to lease the Facility and directed that a public hearing be held so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency, or the location or nature of the Facility, could be heard; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Agency constitutes a "State Agency" and desires to determine whether the acquisition, construction and equipping of the Facility may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations); and

WHEREAS, to aid the Agency in determining whether the acquisition, construction and equipping of the Facility may have a significant effect upon the environment, the Company prepared and submitted to the Agency an environmental assessment form (the "EAF"), a copy

of which was presented to and reviewed by the Agency at this meeting and copies of which are on file at the office of the Agency; and

WHEREAS, the City of Utica Planning Board (the "Lead Agency"), based upon the EAF and other representations and information furnished by the Company regarding the Facility, determined on August 16, 2017, that the action relating to the construction, renovation, equipping and operation of the Facility is an Unlisted action, as that term is defined in the SEQR Act; and

WHEREAS, the Lead Agency also determined that such Unlisted action would not have a "significant effect" on the environment and, therefore, an environmental impact statement was not required to be prepared; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based on an examination of the Application and the EAF, based upon the findings and determinations adopted by the Lead Agency, and based further upon the Agency's knowledge of the area surrounding the Facility and such further investigation of the Facility and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Facility:

(A) The Facility is described in the Application, the EAF and the Lead Agency resolution and the supporting documentation attached thereto;

(B) The Facility constitutes an "Unlisted Action" (as defined in the Regulations);

(C) No potentially significant impacts on the environment are noted in either the EAF for the Facility, and none are known to the Agency;

(D) The Facility will not result in (i) substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of a resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such species; or (iii) other significant adverse impacts to natural resources;

(E) The Facility will not affect a critical environmental area as designated pursuant to 6 NYCRR 617.14(g);

(F) The Facility will not conflict with the community's current plans or goals as officially approved or adopted;

(G) The Facility will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

(H) The Facility will not result in a major change in the use of either the quantity or type of energy;

(I) The Facility will not result in the creation of a hazard to human health;

(J) The Facility will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses;

(K) The Facility will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(L) The Facility will not result in the creation of a material demand for other actions that would result in one or more of the above consequences;

(M) The Facility will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

(N) The Facility will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR Section 617.7(c).

Section 2. The Agency hereby determines that the Facility will not have a significant impact on the environment and the Agency will not require the preparation of an environmental impact statement with respect to the Facility. This determination constitutes a negative declaration for purposes of SEQRA. Notice of this determination shall be filed to the extent required by the applicable regulations under SEQRA or as may be deemed advisable by the Chairman of the Agency or counsel to the Agency.

Section 3. This resolution shall take effect immediately.

STATE OF NEW YORK     )  
  : ss.:  
COUNTY OF ONEIDA     )

I, the undersigned Assistant Secretary of the City of Utica Industrial Development Agency DO HEREBY CERTIFY THAT:

I have compared the foregoing copy of a resolution of the City of Utica Industrial Development Agency (the "Agency"), with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

Such resolution was passed at a meeting of the Agency duly convened in public session on September 4, 2018 at 8:30 a.m. at One Kennedy Plaza, Utica, New York, at which the following members were:

**Members Present:** Vin Gilroy, Mark Curley, John Zegarelli, John Buffa, Emmett Martin

**Also Present:** Jack Spaeth (Executive Director), Laura Ruberto (BSK – Agency Counsel), Mayor Robert Palmieri, Heather Mowat (Budget Director), Brian Thomas (UED Commissioner)

**Others:** Jon Penna and Chris Tolhurst (DePaul Utica, LP), John Mansfield (developer), Eric Smithers (120 Security, LLC)

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Vincent J. Gilroy, Jr. voting aye;  
John Buffa votig aye;  
Emmett Martin voting aye;  
John Zegarelli voting aye;  
Mark Curley voting aye.

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and public notice of the time and place of said meeting was duly given in accordance with such Sections 103a and 104, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of July 2019.



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Jack N. Spaeth, Assistant Secretary