

RESOLUTION OF THE CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY CLASSIFYING AS A TYPE I ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT THE APPLICATION OF OLBISTON APARTMENTS, LLC FOR FINANCIAL ASSISTANCE RELATED TO A PROJECT TO REHABILITATE THE FORMER OLBISTON APARTMENTS IN UTICA, NEW YORK AND DECLARING ITS DESIRE TO SERVE AS LEAD AGENCY FOR A COORDINATED REVIEW

WHEREAS, Olbiston Apartments LLC, on behalf of itself and/or the principals of Olbiston Apartments LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") and Liberty Olbiston Housing Development Fund Company, Inc., a housing development funding company formed pursuant to Article XI of the Private Housing Financing Law of the State of New York and Section 402 of the Not-For-Profit Corporation Law (the "HDFC") have applied to the City of Utica Industrial Development Agency (the "Agency") to enter into a sale-leaseback or lease-leaseback transaction in which the Agency will assist in (i) acquisition of three parcels of land measuring 2± acres in the aggregate located at 1431 Genesee Street, 1½ Clinton Street and (no number assigned) Clinton Street in the City of Utica, Oneida County, New York (collectively, the "Land") and the historic seven-story residential building located thereon (the "Existing Improvements"); (ii) partial demolition of the Existing Improvements; (iii) adaptive reuse and substantial renovation and rehabilitation of the Existing Improvements to provide 153 residential units and common areas in a 125,000± square foot building (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 residential housing affordable to a wide range of household incomes, including low income and workforce housing (the Land, the Existing Improvements, the Improvements and the Equipment are referred to collectively as the "Facility" and the acquisition, partial demolition, renovation, rehabilitation and equipping of the Facility is referred to collectively as the "Project"); and

WHEREAS, the Project includes the acquisition and substantial renovation of a prominent National Registry listed historic apartment building, which includes the complete overhaul of utilities, modernization of all MEP systems, and integration of sustainable design elements, resident amenities and a reorganized and engineered parking lot to the rear; and

WHEREAS, the Company also submitted to the Agency Part 1 of a Full Environmental Assessment Form ("FEAF") for the Project pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Agency desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations") with respect to the Project; and

WHEREAS, the Agency has examined Part 1 of the FEAF for the Project and finds it complete for purposes of further SEQRA review; and

WHEREAS, the Agency has considered the scope and nature of the Project in light of the actions included on the Type I list under Section 617.4 of the Regulations and in light of the actions included on the Type II list under Section 617.5 of the Regulations; and

WHEREAS, the Agency desires: (1) to classify the type of action for which the Project qualifies under SEQRA, (2) to serve as lead agency for purposes of a coordinated review of the

Project under SEQRA, and (3) in furtherance of the foregoing, to provide Part 1 of the FEAF to the other involved agencies for their review and comment.

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

Section 1. The Agency hereby classifies the Project as a Type I Action under SEQRA.

Section 2. The Agency hereby declares its desire to serve as lead agency for purposes of a coordinated review of the Project under SEQRA.

Section 3. The Agency hereby directs the Executive Director to send Part 1 of the FEAF for the Project to the other involved agencies and to request their comments on the Project and their concurrence with the Agency acting as lead agency for a coordinated SEQRA review.

Section 4. The Agency hereby authorizes the Executive Director to take such other steps as may be necessary to further coordinate this SEQRA review.

Section 5. This resolution shall take effect immediately.

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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 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 Board of Directors of the Agency duly convened in public session on October 8, 2021 at 9:00 a.m. local time, at One Kennedy Plaza, Utica, New York at which the following members were:

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

Member Excused: John Buffa

Also Present: Jack Spaeth (Executive Director), Linda Romano and Laura Ruberto via WebEx (BS&K – Agency Counsel)

Others: Dan Dowe (Hemstroughts, Inc.)

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

Voting Aye

Voting Nay

Mark Curley

Vin Gilroy

Emmett Martin

John Zegarelli

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all directors 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 as of the 31st day of March 2022.



Jack N. Spaeth, Assistant Secretary

RESOLUTION OF THE CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY DETERMINING THAT ACTION TO PROVIDE FINANCIAL ASSISTANCE RELATING TO A PROJECT FOR THE BENEFIT OF OLBISTON APARTMENTS, LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

WHEREAS, the City of Utica Industrial Development Agency (“UIDA”) has received an application for financial assistance for a project sponsored by Olbiston Apartments LLC, on behalf of itself and/or the principals of Olbiston Apartments LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Company”) and Libery Olbiston Housing Development Fund Company, Inc., a housing development funding company formed pursuant to Article XI of the Private Housing Financing Law of the State of New York and Section 402 or the Not-For-Profit Corporation Law (the “HDFC”); and

WHEREAS, the project consists of (i) acquisition of three parcels of land measuring 2± acres in the aggregate located at 1431 Genesee Street, 1½ Clinton Street and (no number assigned) Clinton Street in the City of Utica, Oneida County, New York (collectively, the “Land”) and the historic seven-story residential building located thereon (the “Existing Improvements”); (ii) partial demolition of the Existing Improvements; (iii) adaptive reuse and substantial renovation and rehabilitation of the Existing Improvements to provide 153 residential units and common areas in a 125,000± square foot building (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 residential housing affordable to a wide range of household incomes, including low income and workforce housing (the Land, the Existing Improvements, the Improvements and the Equipment are referred to collectively as the “Facility” and the acquisition, partial demolition, renovation, rehabilitation and equipping of the Facility is referred to collectively as the “Project”); and

WHEREAS, the Olbiston Flats Building has been determined to meet National Register Eligibility requirements with respect to architecture; and

WHEREAS, the UIDA desires to comply with the New York State Environmental Quality Review Act (“SEQRA”) and the regulations in 6 NYCRR Part 617 adopted by the New York State Department of Environmental Conservation (the “Regulations”) with respect to the Project; and

WHEREAS, in connection with the application for financial assistance, the Company provided the UIDA with Part 1 of a Full Environmental Assessment Form (“FEAF”) for the Project; and

WHEREAS, in the exercise of due diligence, information regarding the Project and Part 1 of the FEAF was provided to New York State Homes & Community Renewal (“HCR”) and the New York State Office of Parks, Recreation and Historic Preservation (“SHPO”), as “involved agencies,” as that term is defined in the Regulations, requesting consent for the UIDA to serve as lead agency in accordance with SEQRA’s coordinated review requirements and seeking comments regarding the Project; and

WHEREAS, the other involved agencies agreed to the proposed designation of the UIDA as the lead agency for the Project and provided comments regarding the Project; and

WHEREAS, at a meeting of the UIDA on October 8, 2021, the UIDA preliminarily considered the Project and by resolution, declared its desire to serve as lead agency for purposes of a coordinated review of the Project under SEQRA and the Regulations; and

WHEREAS, by letter dated November 3, 2021, SHPO set forth its opinion that the Project would have no impact on historic resources, provided specific conditions were met; and

WHEREAS, pursuant to SEQRA and the Regulations, the UIDA has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the EAF for the Project, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern; and

NOW, THEREFORE, BE IT RESOLVED by the UIDA as follows:

Section 1. Based upon an examination of the EAF, and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the UIDA's knowledge of the area surrounding the Project and such further investigation of the Project and its potential environmental impacts as the UIDA has deemed appropriate, the UIDA makes the following findings and determinations:

- a. The Project constitutes a "Type I action" (as such term is defined in the Regulations);
- b. UIDA hereby designates itself as lead agency for purposes of a coordinated review under SEQRA and the Regulations;
- c. No significant adverse environmental impacts are noted in the EAF for the Project and none are known to the UIDA. Therefore, the UIDA hereby determines that the Project will not have a significant adverse environmental impact, and the UIDA will not require the preparation of an environmental impact statement with respect to the Project; and
- d. As a consequence of the foregoing, the Executive Director is directed to prepare a Negative Declaration for the Project; and
- e. The UIDA hereby directs that all SEQRA documents and notices, including but not limited to the EAF and Negative Declaration, are to be distributed and otherwise filed in accordance with SEQRA and the Regulations; and
- f. The Company shall comply with all requirements of the other involved agencies, including HCR and SHPO.

Section 2. 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 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 Board of Directors of the Agency duly convened in public session on November 10, 2021 at 9:00 a.m. local time, at One Kennedy Plaza, Utica, New York at which the following members were:

Members Present: Vin Gilroy, John Zegarelli, Emmett Martin

Member Excused: John Buffa, Mark Curley

Also Present: Jack Spaeth (Executive Director), Linda Romano and Laura Ruberto via WebEx (BS&K – Agency Counsel)

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

Voting Aye

Voting Nay

Vin Gilroy

John Zegarelli

Emmett Martin

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all directors 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 as of the 31st day of March 2022.



Jack N. Spaeth, Assistant Secretary