

MICHAEL P. GALIME, MAYOR  
CITY OF UTICA



UTICA INDUSTRIAL DEVELOPMENT AGENCY  
1 KENNEDY PLAZA  
UTICA, NEW YORK 13502  
PHONE: (315) 792-0195  
FAX: (315) 797-6607

## Agenda

Utica Industrial Development Agency  
Regular Meeting – Wednesday, September 11, 2024 @ 9:00am  
Utica City Hall, Utica, New York and via WebEx

- I. Call to Order
- II. Approval of Minutes (August 21, 2024)
- III. Old Business
  - A. People First – AMP 1 – Consider a final authorizing resolution relating to the People First AMP 1, LLC Facility, providing final approval for financial assistance in the form of exemptions from sales tax (valued at \$7,875,000), exemptions from mortgage recording tax (valued at \$195,000.00) and reduction of real property tax for a period of 30 years during which time the Company will pay an annual PILOT Payment of 3.5% of Effective Gross Income (valued at \$45,096,251), which financial assistance is a deviation from the Agency's Uniform Tax Exemption Policy, and authorizing the form and execution of related documents, subject to counsel approval.
  - B. HP Utica Preservation LLC - Consider Subordinate leasehold position
- IV. New Business
  - A. People First – Impact Cornhill LLC – Consider an inducement resolution relating to the People First Impact Cornhill LLC Facility, in support of a request for financial assistance in the form of a reduction of real property tax for a period of 30 years during which time the Company will pay an annual PILOT Payment of 8.0% of Effective Gross Income (valued at \$8,247,484), which financial assistance is a deviation from the Agency's Uniform Tax Exemption Policy and authorizing the Agency to conduct a public hearing.
  - B. People First – Impact Cornhill LLC – Consider a SEQR resolution
- V. Executive Session (if required)
- VI. Adjourn

Members of the public may listen to the meeting by calling 1-408-418-9388, Access code: 2634 439 4102 or joining the meeting at Meeting link: <https://cityofutica.webex.com/cityofutica/j.php?MTID=m7326ba26b4da18a9bf772e206720a1de>  
Meeting password: UEujK3C5RB4

The Minutes of the Agency meeting will be transcribed and posted on the UIDA website.

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August 21, 2024 9:00a.m.  
Utica Industrial Development Agency Special Meeting  
City Hall, Utica, NY – WebEx Conference Call/In-Person

**Members Present:** Vin Gilroy, John Zegarelli, Steve Deery

**Excused:** John Buffa, Emmett Martin

**Also Present:** Jack Spaeth (Executive Director), Laura Ruberto – BSK agency counsel

**Others:**

**1) CALL MEETING TO ORDER:** The meeting was called to order by Mr. Gilroy at 9:02a.m. The Finance, Governance and Audit Committees, as they consist of sitting Agency members, meet as a committee of the whole, and in doing such, meet at every meeting.

**2) APPROVAL OF MINUTES:** A motion was made by Mr. Zegarelli, seconded by Mr. Deery, to approve the minutes of the August 7, 2024 meeting. All in favor.

**3A) OLD BUSINESS – Historical Park Apartments**

Mr. Spaeth noted the Board needed to approve a final resolution.

As such, Mr. Zegarelli made a motion, seconded by Mr. Deery to approve a final authorizing resolution relating to the HP Utica Preservation LLC Facility, providing final approval for financial assistance in the form of a reduction of real property taxes for a period of 35 years during which time the Company will pay an annual PILOT Payment of 3.0% of Effective Gross Income (value estimated at \$527,482), which financial assistance is a deviation from the Agency’s Uniform Tax Exemption Policy, and authorizing the form and execution of related documents, subject to counsel approval.

**3B) OLD BUSINESS – Lahinch Utica III LLC**

Mr. Spaeth reminded members of the STE extension request letter for the Mayro Building.

As such, Mr. Zegarelli made a motion, seconded by Mr. Deery to approve a six-month extension of the Sales Tax Exemption. All in favor.

### **3C) OLD BUSINESS – Historical Park Apartments**

Mr. Spaeth reminded members of the STE extension request letter for the 1400 Broad/BMG facility.

As such, Mr. Zegarelli made a motion, seconded by Mr. Deery to approve a six-month extension of the Sales Tax Exemption. All in favor.

### **4A) NEW BUSINESS – People First – AMP 1**

Mr. Spaeth noted that Mr. Calli made a presentation at the August 7<sup>th</sup> meeting and staff was waiting for the Planning Board to take action on the SEQR for the project in order to induce the project.

After little discussion, Mr. Zegarelli made a motion, seconded by Mr. Deery to approve a an Inducement resolution relating to the People First AMP 1, LLC Facility, granting preliminary authorization for financial assistance in the form of exemptions from sales tax (valued at \$7,875,000), exemptions from mortgage recording tax (valued at \$195,000.00) and reduction of real property tax for a period of 30 years during which time the Company will pay an annual PILOT Payment of 3.5% of Effective Gross Income (valued at \$45,096,251), which financial assistance is a deviation from the Agency’s Uniform Tax Exemption Policy and authorizing the Agency to conduct a public hearing. All in favor.

### **4B) NEW BUSINESS – People First – AMP 1**

Mr. Spaeth noted that the Planning Board took action on the SEQR for the project.

Mr. Zegarelli made a motion, seconded by Mr. Deery to approve a SEQR resolution relating to the People First AMP 1, LLC Facility

### **5) EXECUTIVE SESSION:**

Not entered into

**6) ADJOURNMENT:** There being no further business brought before the Agency, Mr. Zegarelli made a motion to adjourn, seconded by Mr. Deery and the meeting was adjourned at 9:14am.

The next regular meeting of the Utica Industrial Development Agency is scheduled for Wednesday, September 11, 2024 at 9:00am at City Hall via WebEx and in-person.

**City of Utica  
Industrial Development Agency  
Application**

The information required by this form is necessary to determine the eligibility of your project for IDA benefits. Please answer all questions; insert "NONE", or "NOT APPLICABLE", where necessary. If an estimate is given, put "EST." after the figure. Attach additional sheets if more space is needed for a response than is provided. Return three copies of this application to the City of Utica Industrial Development Agency.

Once submitted with the IDA, this Application becomes public information and will be published on the IDA's website. If the applicant deems any information requested to be exempt from FOIL, please answer the question "CONFIDENTIAL" and submit the information on a separate attachment marked confidential and provide the statutory exemption

A project financed through this Agency involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project.

**PART I  
Applicant**

Applicant's legal Name: \_\_\_\_\_

Principal Address: \_\_\_\_\_  
\_\_\_\_\_

Project Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

Federal Identification Number: \_\_\_\_\_

Company IRS Filing Office Location: \_\_\_\_\_

Company Officer completing this application:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_ cell \_\_\_\_\_ office

Email: \_\_\_\_\_



1. A. **Is the applicant a:**

( ) Corporation: If YES, Public ( ) Private ( )  
If a PUBLIC Corporation, on which exchange is it listed?

\_\_\_\_\_

- ( ) Sole Proprietorship
- ( ) Partnership
- ( ) Subchapter S
- ( ) DISC
- ( ) Other (specify) \_\_\_\_\_

B. State of incorporation/organization, if applicable: \_\_\_\_\_

2. **Stockholders, Directors, Officers, Partners or Members**

A. Provide the following information in regard to principal stockholders or parties:

<u>Name</u>	<u>Home Address</u>	<u>Percentage of Ownership</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Provide the following information in regard to officers and directors:

<u>Company Officer</u>	<u>Name and Home Address</u>	<u>Other Principal Business Affiliation</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- C. Is the applicant or any of the persons listed in 2(A) above related, directly or indirectly, to any other entity by more than 50% common ownership? If also, indicate name of such entity and the relationship.

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- D. Is the applicant affiliated with any other entity, directly or indirectly, other than as indicated in response to paragraph C above? If YES, please indicate name and relationship of such other entity and the address thereof:

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3. **Applicant's accountant**

Name and Title: \_\_\_\_\_

Name of Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

4. **Applicant's attorney**

Name and Title: \_\_\_\_\_

Name of Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

5. **References** (Individuals and institutions in this section may be contacted)

A. Banking/Financial Institution:

<u>Name of Institution</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
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B. Business suppliers (list three largest accounts)

<u>Name of Supplier</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
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C. Major customers (list three largest)

<u>Name of Customer</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
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6. **Business Description**

A. Describe nature of business and principal products and/or services:

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B. Describe the geographical market(s) served:

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7. **Present location(s) of business operations**

A. List present location(s):

1. 

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2. 

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3. 

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B. For what purpose is each of these used?

1. 

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2. 

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3. 

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C. For each of your present locations which are RENTED, provide the following information:

D. Name of Landlord                      Landlord's Address                      Landlord's Telephone Number

1. 

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2. 

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3. 

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Amount of Space                      Annual Rental                      Lease Termination Date

1. 

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2. 

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3. 

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E. For each of your present locations which you OWN, provide the following information:

	<u>Location</u>	<u>Annual Mortgage Payment</u>	<u>Termination Date</u>
1.	_____		
2.	_____		
3.	_____		

F. List which of your present locations, if any, will be vacated if IDA approval for your project is given:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If any of these locations will be sublet or sold, provide information concerning your ability to do so:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PART II**

**Reasons for Project**

Please explain in detail why you want to undertake this project and define scope of project:

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Why are you requesting the involvement of the IDA in your project?

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How will the applicant's plans be affected if IDA approval is not granted?

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Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

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Identify the assistance being requested of the Agency (select all that apply):

1. Exemption from Sales Tax                      \_\_\_ Yes or \_\_\_ No
2. Exemption from Mortgage Tax                \_\_\_ Yes or \_\_\_ No
3. Exemption from Real Property Tax           \_\_\_ Yes or \_\_\_ No
4. Tax Exempt Financing \*                        \_\_\_ Yes or \_\_\_ No

Requesting PILOT deviation of 8% of EGI

\* (typically for not-for-profits & small qualified manufacturers)

A. **Type of Project**

Check category or categories best describing your project (O - Owner) and all end-users (T – Tenant(s)) and the square footage of each:

	Manufacturing	sf
	Industrial (Assembly or Service)	sf
	Research and Development	sf
	Warehousing	sf
	Commercial	sf
	Pollution Control	sf
	Housing	sf
	Back Office	sf
	Facility for Aging	sf
	Multi-Tenant	sf
	Retail	sf
	Recreational	sf
	Other (specify)	sf
	Total	sf

B. **Description of Proposed Project**

Check all appropriate categories which apply to the proposed project:

- |                                                  |        |       |
|--------------------------------------------------|--------|-------|
| 1. Acquisition of land                           | YES( ) | NO( ) |
| 2. Acquisition of existing building              | YES( ) | NO( ) |
| 3. Renovations to existing building              | YES( ) | NO( ) |
| 4. Construction of addition to existing building | YES( ) | NO( ) |
| 5. Demolition                                    | YES( ) | NO( ) |
| 6. Construction of a new building                | YES( ) | NO( ) |
| 7. Acquisition of machinery and/or equipment     | YES( ) | NO( ) |
| 8. Installation of machinery and/or equipment    | YES( ) | NO( ) |
| 9. Other (specify) _____                         | YES( ) | NO( ) |

C. What is the zoning classification of the proposed site?

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D. For what purpose was the site most recently used (e.g. light manufacturing, heavy manufacturing, assembly, etc.)?

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E.                    Location(s)                    Street Address                    Number of Floors/ SF/floor

F.     Is the site in an Empire Zone? ( ) Yes ( ) No

Is the business Empire Zone certified at this location: ( ) Yes ( ) No

Attach a copy of the last Business Annual Report filed.

Is the proposed project located within the boundary of a Central New York Regional Transportation (Centro) District?     ( ) Yes     ( ) No

G.     1.     Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings and other existing structures or facilities) and attach plot plans, photos or renderings, if available.

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2.     If construction or renovation work on this project has already begun, please describe the work in detail.

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3.     What is the estimated useful life of the:

a.     Facility: \_\_\_\_\_

b.     Equipment: \_\_\_\_\_

H. List the principal items or categories of equipment to be acquired as part of the project.

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I. If any of this equipment has already been purchased or ordered, please attach all invoices and purchase orders and list amounts paid and dates of expected delivery as well as a brief description:

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J. If the construction or operation of the proposed project will require any local ordinance or variance to be obtained or requires a permit or prior approval of any state or federal agency or body (other than normal occupancy/construction permits), please specify:

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K. Will the project have a significant effect on the environment, YES ( ) NO ( ). If YES, please describe the effect. **Important: please attach Environmental Assessment Form to this Application**

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L. Will a related real estate holding company, partnership or other entity be involved in the ownership structure of the Transaction? YES ( ) NO ( ) If YES, please explain:

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M. 1. With regard to the present owner of the project site, please give:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

2. If the applicant already owns the project site, indicate:

a. date of purchase: \_\_\_\_\_

b. purchase price: \_\_\_\_\_

3. If the project site is mortgaged, please indicate:

a. balance of mortgage: \_\_\_\_\_

b. holder of mortgage: \_\_\_\_\_

N. Is there a relationship, legally, by virtue of common control, or through related persons, directly or indirectly, between the applicant and the present owner of the project site?  
YES ( ) NO ( ) If YES, please explain:

\_\_\_\_\_  
\_\_\_\_\_

O. Is the company currently a tenant in the building to be occupied?

YES ( ) NO ( )

P. Are you planning to use/develop the entire proposed facility?

YES ( ) NO ( )

If NO, give the following information with respect to present tenants:

1. Present Tenant Information

a.	<u>Name of Business</u>	<u>Floors Occupied</u>	<u>Square Feet Occupied</u>	<u>Nature of Tenant's Business</u>
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b. Which of the above tenants will be vacating upon your initial use of the facility? How many jobs will be affected?

<u>Name of Firm</u>	<u>Jobs</u>	<u>Square Footage Now Occupied</u>
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c. For those tenants who will remain after your initial occupancy of the site, provide the following transaction:

<u>Name of Tenant</u>	<u>Term of Lease</u>	<u>Renewal Options</u>	<u>Square Footage Now Occupied</u>
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Are any of the above tenants related to the owner of the facility? YES ( ) NO ( )

d. If the applicant will be occupying the premises of any of the tenants listed in (c) when their lease expires, please list.

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e. Please provide copies of all present lease(s) at the proposed project site.

f. Do you propose to lease part of the project facility to firms not presently tenants?

YES ( ) NO ( ) If YES, provide details of your proposals:

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g. Will financing by the Agency for the Project result in the removal or abandonment of a plant or other facility of the applicant or any related entity presently located in another area in the State of New York? YES ( ) NO ( )

If the answer is YES, please explain briefly the reasons for the move.

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Is the proposed project reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the State of New York?

YES ( ) NO ( )

Is the proposed project reasonably necessary to preserve the competitive position of the project occupant in its respective industry? YES ( ) NO ( )

h. If any of the parties who will be tenants in this project are related to or affiliated with the applicant, please identify them:

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1. Please attach any written agreements (e.g., options, purchase contracts, invoices, etc.) concerning the acquisition of the real property or equipment for this proposed facility.

2. Employment \*

- a. List your present employment in the City of Utica, if any, and an estimate of the employment at the proposed facility at the end of two years. NOTE: New York State considers Full Time employment as 35 hours or more. Full-time jobs, plus the combination of two or more part-time jobs that, when combined together, constitute the equivalent hours of a full-time position (35 or more hours).

Employment	Current # of applicant's jobs at/or to be located at proposed project location	Number of FTE jobs to be RETAINED	Number of FTE jobs to be CREATED two years after project completion	Estimate number of residents in Labor Market Area that will fill projected jobs two years after project completion
Full-Time (FTE)				

The Labor Market Area consists of the following counties: Oneida, Lewis, Herkimer, Otsego, Madison and Oswego

- b. Characterize the labor force to be associated with this project location according to the following categories:

Category	Current/ Anticipated	Avg Salary or Salary Range	Avg Fringe Benefits or Range
Officers			
Sales/Supervisory			
Clerical			
Plant/Production			
Other (specify)			

Notes:

It's anticipated the commercial space will provide local organizations and non-profits the ability to create new jobs and opportunities for the community. The project will not directly create them.

- c. Estimate the Annual Payroll for the employees associated with the project location.

Currently	End of Year One	End of Year Two
\$	\$	\$

\* **Company/Applicant will be required to submit Annual Project Monitoring Reports (attached) along with a copy of the NYS 45 (four quarters) for a minimum of five (5) years for any commercial project and ten (10) years for any industrial/manufacturing project, or for the length of UIDA involvement in the project. Annual Project Monitoring Reports will be compared to employment counts as stated above and companies whose reported counts fall below those levels above will be subject to the Agency's Recapture Provisions Policy.**

**Sources of Funds for Project Costs:**

**% of Total  
project costs**

<del>Bank Financing:</del> Community Foundation:	\$ _____	_____
Deferred Developer Fee	\$ _____	_____
Equity (excluding equity attributed to grants/tax credits)	\$ _____	_____
Tax Exempt Bond Issuance (if applicable) (HFA Bonds)	\$ _____	_____
Taxable Bond Issuance (if applicable)	\$ _____	_____
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ _____	_____

Identify each state and federal grant/credit:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total Sources of Funds for Project Costs: \$ \_\_\_\_\_

Have any of the above costs been paid or incurred as of the date of this Application?

Yes  No. If Yes, describe particulars:

\_\_\_\_\_

**Mortgage Recording Tax Exemption Benefit:** Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ \_\_\_\_\_

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage \$ \_\_\_\_\_

Amount as indicated above multiplied by 0.75%):

Please Note: The New York State General Municipal Law was recently amended to reflect that industrial development agencies are not exempt from the additional mortgage recording tax of .25% that is assessed to properties that are located within a regional transportation district. Oneida County is located within the Central New York Regional Transportation District; as such, all UIDA projects will be exempt from .75% of mortgage recording tax, but must pay .25% of mortgage recording tax, which will be directed to the Transportation District.

### 3. Estimated Project Cost

Listed the costs necessary for the construction, acquisition or renovation of the project (this should NOT include working capital needs, moving expenses, work in progress, stock in trade, applicant's debt repayment, real estate broker fees or your legal fees):

Acquisition of Land	\$ _____
Acquisition of Building(s)	\$ _____
Renovation Costs	\$ _____
New Construction of Buildings (w/ contingency)	\$ _____
Machinery and Equipment (taxable) (other than furniture costs)	\$ _____
Machinery and Equipment (non-taxable)	\$ _____
Furniture and Fixtures	\$ _____
Installation Costs	\$ _____
Architectural/Engineering Fees	\$ _____
Fees (other than your own counsel and brokerage fees)	\$ _____
Interest on Interim Financings	\$ _____
Other (specify) _____	\$ 8,963,297
_____	
Total Project Cost	\$ _____

Sales and Use Tax: Gross amount of costs for goods and services that are subject to State and local Sales and Use tax - said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ \_\_\_\_\_

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):

\$ \_\_\_\_\_



**4. Real Estate Taxes**

List separately the proposed project's Real Estate Taxes and/or Assessed Value as it applies to land and building:

Project's	Real Estate Taxes	Assessed Value
Land(s)	\$	\$
Building(s)	\$	\$
Total	\$	\$

Calculate the value of the PILOT exemption anticipated for the project described:

\$ \_\_\_\_\_

**5. Project Schedule**

Indicate the estimated dates for the following:

- a. Construction commencement: \_\_\_\_\_
- b. Construction completion: \_\_\_\_\_
- c. Project financing: List the dates and in what amounts the estimated funds will be required:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- d. Indicate the name of the incorporated municipality in which the facility will be located and the applicant's (or any related entity's) estimated capital expenditures in such municipality during the past three years:  
\_\_\_\_\_  
\_\_\_\_\_
- e. What do you expect the applicant's (or any related entities) capital expenditures to be in the above municipality during the next three years (including this project):  
\_\_\_\_\_

- f. If the applicant or any related entity has previously secured the benefit of tax exempt financing in the City of Utica, whether through IDA, the New York Job Development Authority or any other entity, please explain (indicate date, location of financed facility, and outstanding balance):

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- g. Has the applicant or any related entity received the benefit of tax exempt financing anywhere within the United States within the past 90 days or is the applicant or any related entity contemplating the receipt of such financing assistance within the next 90 days? YES ( ) NO ( ) if YES, please explain.

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6. Project Financing Efforts

IT IS THE APPLICANT'S RESPONSIBILITY TO SECURE A PURCHASER FOR IDA BONDS ISSUED IN CONJUNCTION WITH THIS PROJECT. Below are a series of questions relating to your efforts to secure financing for your project if IDA approval is granted.

- A. Has the applicant contacted any bank, financial/lending institution or private investor in regard to the financing for this project? YES ( ) NO ( ) If YES, please give details:

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B. Have you obtained a financial commitment for this project? YES ( ) NO ( )

1. If YES, please briefly describe this commitment and attach related correspondence:

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2. If NO, please explain how you will be able to finance this project:

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C. Are there any other governmental agencies that you have contacted concerning financial assistance in regard to your proposed project? YES ( ) NO ( ) If YES, please explain:

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D. 1. Will the applicant's obligations be guaranteed, and if so, by whom?

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2. Is the guarantor related to or affiliated with the applicant?

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E. Financial Information (Attach the Following).

1. Financial Statements for the last three fiscal years.
2. Pro forma Balance Sheet as at start of operations at project site.
3. Projected Profit and Loss Statements for first two years of operation at project site.
4. Projected "Cash Flow" Statement, by quarters, for first year of operation at project site.

### **REPRESENTATIONS AND CERTIFICATION BY APPLICANT**

The undersigned requests that this Application be submitted for review to the City of Utica Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the Application can be granted solely by this Agency's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

1. **Annual Sales Tax Filings.** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
2. **Annual Employment Reports.** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site as well as tax benefits received with the action of the Agency. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
3. **Absence of Conflict of Interest.** The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
4. **Hold Harmless.** Applicant hereby releases the Agency and its members, officers, servants, agents and employees from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax

exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

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

ROBERT R. CALL, being first duly sworn, deposes and says:

1. That I am the Executive Director (Corporate Office) of Municipal Housing Authority of the City of Utica, New York (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

Robert R. Call  
(Signature of Officer) Executive Director

Subscribed and affirmed to me under penalties of perjury this 15<sup>th</sup> day of February, 2024

[Signature]  
(Notary Public)



If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By: [Signature]

Name: Chris Roland

Title: U.P. Real Estate Dev. - Edgemere

Date: 2/15/24

**Return the original application and six copies with a check in the amount of \$250.00 made payable to: Utica Industrial Development Agency, 1 Kennedy Plaza, Utica, New York, Attn.: Jack N. Spaeth, Executive Director.**

## UTICA INDUSTRIAL DEVELOPMENT AGENCY

### **6A. Business Description:**

People First has more than 1,000 units throughout Oneida County and 3,500 residents. We are a people-first affordable housing and supportive services agency that ensures the needs of people are valued, prioritized, and fulfilled. We value each and every resident and take pride in their life success. Our responsibility is to enhance the quality of life of people within our community and one's living environment is a vital component to fulfilling that mission. By being "more than a key", People First can focus on the needs of the person, which allows us to be people focused, people friendly, and people driven. Impact Cornhill will consist of 102 one- and two-bedroom units and ~35,000 SF of community space.

### **Part II – Reasons for Project**

#### **Please explain in detail why you want to undertake this project and define scope of project:**

People First and the Community Foundation of Herkimer and Oneida Counties have been developing a neighborhood revitalization strategy with the City of Utica to meet the needs of residents for more than two years. THRIVE (To Heal and Revitalize an Innovative Vibrant Economy) is a comprehensive commitment to help neighbors and community-based stakeholders reclaim, redevelop, and renew Utica's most diverse and economically challenged neighborhood - Cornhill. Implementation of THRIVE begins with a multi-site investment on underutilized and vacant lots in the city. The Cornhill project encompasses the new construction of 102 high-quality mixed-income and supportive housing units anchored by two community Impact Centers - the West Street Center and the James Street Center. These new community assets will support a mix of innovative and existing community-focused programs. The West Street Center will be the centerpiece of an urban opportunity campus on the periphery of a targeted development area identified in the City's Housing Study. The West Street Center will include 57 one-bedroom and 21 two-bedroom units, 20,000 SF of Impact Center space, and a 9,000 SF multipurpose gymnasium for the community. The James Street Center will be located at the northwest intersection of James and Neilson Streets. The 31,000 SF Center includes 15 one-bedroom and 9 two-bedroom units, an urban grocery store, entrepreneurial incubator pods, and flexible retail space.

The project “will prevent economic deterioration by promoting employment opportunities.” The Impact Centers are designed to foster economic revitalization & support neighborhood families. A strong collaboration has resulted in partnerships between the project & local organizations that intend to provide services. Programming at West St. includes a Multipurpose Gym with Adult recreation and fitness; additional programming will include public community space, coworking, test kitchen, entrepreneurial incubator, recreational gym and dance area, media and art space, and a courtyard. This programming is critical to creating educational and vocational opportunities for the community, supporting upward mobility. James St. includes an urban grocery, marketplace and commercial test kitchen for food vendors and start-up restaurateurs, flexible space for small retail and other microenterprise opportunities, incubating small-scale programming to support business owners, & creative spaces including a recording studio & multimedia lab.

### **Why are you requesting the involvement of the IDA in your project?**

The project will include financing from NYS Housing Finance Agency and include low-income housing tax credits. The project includes 102 units targeted to individuals and small families earning up to 30%, 50%, ~ and 70% of AMI. In addition, the ~35,000 sf of commercial space will serve local businesses, entrepreneurs, and non-profits. The goal is to keep the facilities as affordable as possible and as such, is requesting a PILOT deviation of 8% of EGI. Without a PILOT agreement, the project would not have the ability to offer rents for both residential and commercial space at the proposed levels. A PILOT agreement also demonstrates local support and financial participation in the project which makes projects more competitive for HFA financing.



## **THRIVE - Cornhill Revitalization**

### People First and the Community Foundation of Herkimer and Oneida Counties

**People First** (formerly the Municipal Housing Authority of the City of Utica) and the **Community Foundation of Herkimer and Oneida Counties** have been developing a neighborhood revitalization strategy with the City of Utica to meet the needs of residents for more than two years. **THRIVE (To Heal and Revitalize an Innovative Vibrant Economy)** is a comprehensive commitment to help neighbors and community-based stakeholders reclaim, redevelop, and renew Utica's most diverse and economically challenged neighborhood - *Cornhill*. Implementation of THRIVE begins with the Cornhill Project, a multi-site investment on underutilized and vacant lots in the city. The Cornhill project is the new construction of high-quality mixed-income housing integrated with two anchor Impact Centers - the **West Street Center** and the **James Street Center**. These new community anchors will support a mix of innovative and existing community-focused programs. The West Street Center includes 59 one-bedroom and 28 two-bedroom units, 20,000 SF of Impact Center space, and a 9,000 SF multipurpose gymnasium for the community. The 31,000 SF James Street Center includes 15 one-bedroom and 9 two-bedroom units, an urban grocery store, and flexible retail space. All units will target households earning between 50% and 70% AMI, and a portion will be set-aside as Permanent Supportive Housing for households that are homeless or at-risk of homelessness. A comprehensive, third-party market study estimated a capture rate of 4.5%, indicating a high need and strong support for the project.

The West Street Center will be the centerpiece of an urban opportunity campus on the periphery of a targeted development area identified in the City's *Housing Study*. "These areas with mixed-markets, where market conditions transition from stronger to weaker in just a few blocks, are where focused interventions could serve to stabilize and strengthen key blocks. These are also areas where schools, parks, or recent investment represent assets to build from. Rental properties predominate and would need to be the center of reinvestment efforts" (pg. 55). The site encompasses multiple parcels near South St. between West and Miller Streets; most being conveyed by the City of Utica and its Urban Renewal Agency. The parcels will be combined into one, subject to a ground lease with the Mid-Utica Neighborhood Preservation Corporation (MUNPC), the current owner of 2 of the parcels. Additional parcels are being pursued to create a larger footprint, green/park space, and provide off-street parking. The James Street Center will be located at the northwest intersection of James and Neilson Streets. Due to the site constraints, off-street parking is a challenge for the project at both locations. To accommodate an adequate number of parking spaces, adjacent, privately-owned parcels are being pursued.

Members of MUNPC leadership and the Collective Impact Network, a community advocacy group, have been working with Carmina-Wood Design to ensure the centers address resident priorities and neighborhood needs. The West Street Center work scope is extensive, involving the demolition of existing buildings, construction of a new-use building, and relocation of an existing city playground on Miller Street. Common amenities include a resident community room, computer lab, laundry room, green space, and fitness center. The substantial non-residential component of this project will be jointly operated by the Community Foundation of Herkimer and Oneida Counties and Mid-Utica Neighborhood Preservation Corporation. Programming will include public community space, coworking, test kitchen, entrepreneurial incubator, recreational gym and dance area, media and art space, and a courtyard. This programming is critical to creating educational and vocational opportunities for the community, supporting upward mobility. All buildings will deploy video surveillance, key fob, exterior lighting, and virtual doorman services to ensure resident safety.

The James Street Center development entails new construction of a mixed-use building with commercial space, including a media room on the ground floor and apartments above. An urban grocery store will also be integrated into the building. **Bargain Grocery** is a local organization dedicated to serving the community. Founded in 2002, the store generates funds for a nonprofit that donates items back into the community. The store offers fresh, healthy food such as produce, dairy, meat, non-perishables, frozen items, and fresh meals prepared by a chef in an in-store kitchen, at an affordable price, creating food access and diverting food waste. Bargain Grocery partners with national and local vendors to buy food that was overproduced, and receives donated products from companies, then sells the product at a low price. This enables community members to access fresh, healthy food at an affordable price, in a dignified, independent manner.

## **THRIVE - Cornhill Revitalization**

### People First and the Community Foundation of Herkimer and Oneida Counties

The partnership between People First and the Community Foundation, two organizations with vast resources, capacity, and understanding of community needs, is paramount to the project's success. Since 1937, People First has been a leader in the housing industry, currently serving over 3,500 residents across 1,000+ properties throughout Oneida County. The Community Foundation, a social impact investor, works to engage, invest, and lead a vision of community vibrancy with opportunity for all. The organization will act as master-guarantor of the project's non-residential spaces and has committed \$3 million in capital funds as well as received a CFA award of \$2 million.

Total development cost is approximately \$65 million, proposed to be financed with a combination of public and private resources. NYS Housing Finance Agency, as lead financier and regulatory agency, will provide tax-exempt bonds, low-income housing tax credits, New Construction Program and Clean Energy Initiatives loans. Other planned public sources of capital include the City of Utica, NYS HHAP, and Empire State Development Corporation. Private funding will be provided by the tax credit investor, letter-of-credit bank, the Community Foundation, and reinvested developer fee. Proposed operational financing involves a long-term PILOT agreement with the City of Utica along with rental assistance and support services funding from the NYS Empire State Supportive Housing Initiative.

**UTICA INDUSTRIAL DEVELOPMENT AGENCY  
COST/BENEFIT ANALYSIS  
Required by §859-a(3) of the  
New York General Municipal Law**

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**TO BE ATTACHED TO AND MADE PART OF APPLICATION TO THE AGENCY**

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**Name of Applicant:** People First /Impact Cornhill LLC (PILOT assignable to ultimate owner entity)

**Address of Project:** 1119-1121 West Street & 313 James Street  
Utica, NY

**Description of Project:**

Scattered site new construction of 102 one- and two-bedroom units and ~35,476 of commercial space & gymnasium in Utica, NY

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**Name of all Sublessees or Other Occupants of Facility:**

TBD

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**Principals or Parent Company of Applicant:**

Board of Directors - Lou Parrotta, Mark Kelly, Nelson Santiago, Lucretia Hunt, Linda Zulla, Hanka Grabovica, Ora Patterson

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**Principals of any Sublessee or Occupant:**

TBD

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**Product/Services of Applicant:**

Affordable Housing

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**Estimated Completion Date of Project:** 12/15/2028

**Type of Financing/Structure:**

- Tax-Exempt Financing  
 Taxable Financing  
 Lease/Leaseback, Sale/Leaseback  
 Other

**Explain:** HFA Tax-Exempt Bonds and 4% LIHTC

**Types of Benefits**

**Expected to Receive:**

- Tax-Exempt Bonds
- Sales Tax Until Completion Date
- Mortgage Tax Abatement
- Real Property Tax Abatement - Requesting a PILOT deviation to 8% of EGI

**Project Costs - Capital Investment**

Land	\$ 100,000	Cost per Acre \$ _____
Existing Building	\$ 650,000	
Rehab of Existing Building	\$ _____	
Construction of New Building	\$ 52,382,463	Cost per Sq Ft \$ <u>386</u>
Addition or Expansion	\$ _____	Cost per Sq Ft \$ _____
Engineering and Architectural Fees	\$ 2,230,000	
Equipment (detail below)	\$ 30,000	
Legal Fees		
Bank, Bond, Transaction, Company, Credit Provider, Trustee	\$ 730,000	
Finance Charges		
Title Insurance, Environmental Review, Bank Commitment Fee, Appraisals, etc.	\$ 19,635,088	
<b>TOTAL COST OF PROJECT</b>	<b>\$ 75,757,551</b>	

Type of Equipment to be Purchased Furnitures & Fixtures

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Grants or Loans expected to be received (by who and amount)**

HFA Bonds/Credits/Subsidy/HHAP/FHLB	\$ 58,902,711
ESD & City of Utica & Earmark	\$ 9,854,685
Community Foundation, Deferred Developer Fee	\$ 7,000,155

**Company Information**

Existing Jobs 0

Created Jobs (by year 3) 2

Retained Jobs 0

**BENEFITS**

**Taxable Goods and Services**

		Spending Rate	Wages	Expenditures	Sales Tax Rate	State/ Local Sales Tax Revenues
Direct Jobs						
<u>2</u>	Created	36.0%	x <u>110,000</u>	= <u>39,600</u>	x 8.75%	= <u>3,465</u>
_____	Existing	36.0%	x _____	= _____	x 8.75%	= _____
Indirect Jobs						
_____	Created	36.0%	x _____	= _____	x 8.75%	= _____
_____	Existing	36.0%	x _____	= _____	x 8.75%	= _____
<u>262</u> (see below)	Construction	36.0%	x <u>23,572,108</u>	= <u>8,485,959</u>	x 8.75%	= <u>742,521</u>
	Totals		<u>23,637,108</u>	<u>8,509,359</u>		<u>744,568.50</u>
					x 3 years =	<u>2,233,705.50</u>

**Real Property Taxes**

Local (3 year) real property tax benefit (assuming 100 % of jobs existing and created own a residence with an average assessment of \$150,000 and the remainder of jobs existing and created pay real property taxes through rent based on an average assessment per apartment of \$0

Current tax rate = 67.25 per \$1000 of AV

Real Property Taxes Paid

20,115

\$ \_\_\_\_\_

**3 Yr Comparative Benefits**

\$ 60,345

**COSTS**

Real Property Taxes Abated on Improvements only (3-year period) \$ 625,418

Mortgage Tax Abated \$ 0

Estimated Sales Tax Abated During Construction Period \$ 0

**3 Yr Comparative Costs**

\$ 625,418

Calculation of Construction Jobs: Total project hard construction costs x .45 = Total Labor Costs / Construction term (in months) = Labor costs per month / \$3,750 (approx. average construction salary of \$45,000 per year / 12 months) = Number of construction employees. Use the Total Labor Costs as Construction Wages above.

**City of Utica Industrial Development Agency  
One Kennedy Plaza, Utica, New York 13502**

**RETAIL DETERMINATION**

**To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.**

**Please answer the following:**

- A.** Will any portion of the project consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Yes or  No. If the answer is yes, please continue.

*For purposes of Question A, the term “retail sales” means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the “Tax Law”) primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.*

- B.** What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? \_\_\_\_\_ %  
**If the answer is less than 33% do not complete the remainder of the retail determination.**

**If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:**

- 1.** Will the project be operated by a not-for-profit corporation  Yes or  No.

- 2.** Is the Project location or facility likely to attract a significant number of visitors from outside the City of Utica?

Yes or  No

If yes, please provide a third party market analysis or other documentation supporting your response.

- 3.** Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes or  No

If yes, please provide a third party market analysis or other documentation supporting your response.

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

Yes or  No.

If yes, explain \_\_\_\_\_

\_\_\_\_\_

5. Is the project located in an area that has been designated an Empire Zone?  Yes or  No

**The undersigned hereby certifies that the information contained in this Retail Determination is true, accurate and complete.**

Print Name of Applicant: \_\_\_\_\_

Print Name of Authorized Representative: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



UTICA INDUSTRIAL DEVELOPMENT AGENCY  
ADDRESS/SITES

West Street Site



1119 – 1121 West Street – Mid-Utica Neighborhood Corporation

1123 - 1127 West Street – Saw Ko

Miller Streets (no address above), 1112 Miller Street – Utica Urban Renewal Agency

1122 Miller Street – Cleo Herron

1124 – 1126 Miller Street – Michael Reed



James Street Site



313 James Street – City of Utica



# A Blueprint for Prosperity: Expanding Housing Affordability

Testimony of Peggy Bailey, Vice President for Housing and Income Security, Center on Budget and Policy Priorities, Before the Senate Budget Committee

JANUARY 31, 2024

Chairman Whitehouse, Ranking Member Grassley, and members of the Committee, thank you for the opportunity to testify before you this morning at this important hearing.

I am Peggy Bailey, Vice President for Housing and Income Security at the Center on Budget and Policy Priorities, a nonpartisan research and policy institute in Washington, D.C. In this testimony, I will discuss the pressing housing affordability crisis affecting people with the lowest incomes. I will recommend policies, with a focus on rental subsidy programs that help people afford housing, that will move us toward the goal of ensuring that everyone in this country is able to afford safe, stable housing in a community of their choice.

## Solving the Affordable Housing Crisis Would Strengthen the U.S. Economy ↗

New data analysis from the Joint Center for Housing Studies at Harvard University (JCHS) finds that the number of households paying more than one-third of their income on housing (both rental and single-family housing) has grown to 42 million, the highest level since 2011.<sup>[1]</sup> Of these, 22.4 million are renters.

Examining the data more deeply, JCHS found that more than half of cost-burdened renter households — 12.1 million — pay more than 50 percent of their income on rent, which is an all-time high. And while affordability has

**"More than half of cost-burdened renter**

worsened for renters at all income levels, households earning less than \$30,000 per year have the worst affordability issues, with 80 percent of these renters paying more than one-third of their income on rent.

A growing number of people can't afford homes at all. On a single night in January 2023, 653,000 people were experiencing homelessness in the United States, a 12 percent increase from a year earlier and the highest number ever recorded.<sup>[2]</sup>

**households – 12.1 million – pay more than 50 percent of their income on rent, which is an all-time high."**

Typically, renters who must pay very high shares of their income for housing have to divert money away from other necessities to keep a roof over their head, such as by going without needed food, medicine, clothing, or school supplies. As those unmet needs pile up, families often find themselves one setback – a cut in their work hours or an unexpected bill – away from eviction or homelessness. When families with low incomes receive help meeting these basic needs, they put those resources back into the economy by buying food, clothes and other essentials.<sup>[3]</sup>

Affordable housing also directly impacts employment and job creation. People can't work in communities where they can't afford housing.<sup>[4]</sup> More affordable housing options can help employers attract employees, making it a key tool to address local labor shortages. In addition, increasing funding to renovate or create affordable housing is a job creator. Similar to other infrastructure projects like road construction, improving housing and increasing supply requires people to build the development, manage and maintain the building, and attend to other housing-related needs.<sup>[5]</sup>

Finally, stabilizing a family in housing they can afford helps them engage in the workforce in a more consistent and productive way. The family can live closer to their job and not have concerns about evictions which, when they happen, cause them to move – maybe farther from work – or spend time away from work looking for a new home.<sup>[6]</sup> Plus, stable, good-quality housing improves people's physical and mental health, making them more productive and happier overall.

## **Families' Inability to Afford Housing Is Primarily Due to Insufficient Incomes** ↻

The most pressing housing challenge has been a long-standing structural problem: millions of people simply don't have enough income to afford market rents. A surge in rents between 2020 and 2022 was accompanied by an increase in incomes but not enough to close this persistent gap.

**"Millions of people simply don't have enough income to afford market rents."**

This often is characterized as a problem caused by the lack of supply of units. While supply is an issue, it is important to recognize that most people have a place to live and are not seeking to move; they simply struggle to afford their current residence. One reason supply investments alone are rarely enough to enable the lowest-income households to more easily afford housing is that these households typically can't afford rent set at a high enough level for an owner to cover the ongoing cost of operating and managing housing.

For example, the average extremely low-income renter household had an income of \$11,451 in 2021.<sup>[7]</sup> (The Department of Housing and Urban Development, HUD, defines extremely low income as below the federal poverty line or 30 percent of the local median income, whichever is higher.) Government programs and private-sector owners and lenders often consider housing affordable if rent and utilities cost no more than 30 percent of household income, which for this household works out to \$286 a month. Many households, including those most at risk of homelessness, have much lower incomes and can afford even less in rent.

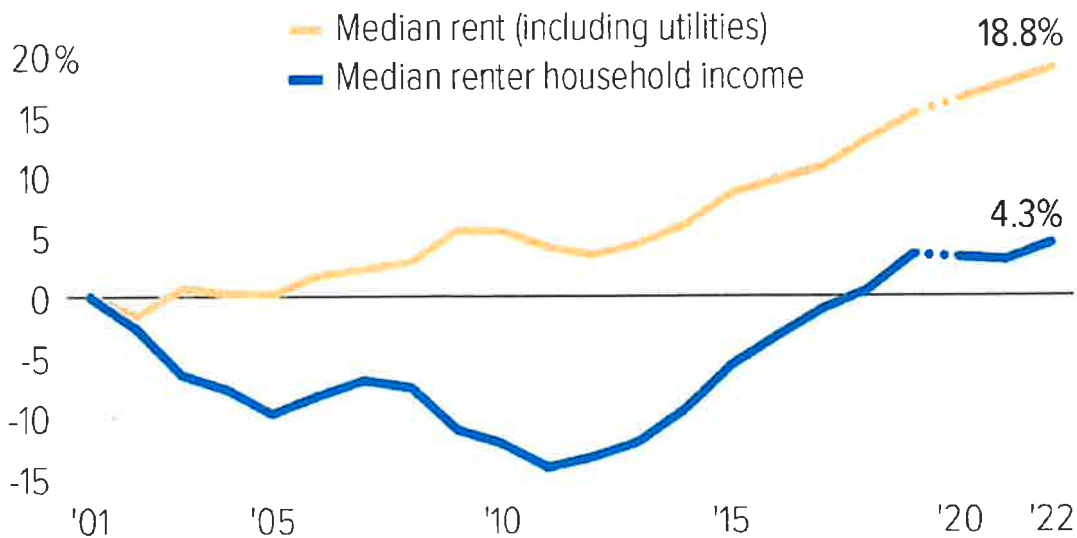
But in 2021 the average rental unit's operating cost was \$566 a month, according to an industry survey.<sup>[8]</sup> The "operating" cost excludes the cost of building the unit, buying the land, or major renovations — or ongoing payments on loans taken out to cover those costs — and any profit to the owner. Consequently, even if development subsidies pay for the full cost of building housing, rents in new units will generally be too high for extremely low-income families to afford without the added, ongoing help rental assistance can provide. This example is theoretical and highlights a unit with the cheapest rent possible. That isn't reality. Most new units in the last few years are meant for higher-income renters, with rents at or above fair market levels. (HUD defines Fair Market Rents as the 40<sup>th</sup> percentile rent for units within a given metropolitan area or nonmetropolitan county).<sup>[9]</sup>

The growth in rents has moderated since late 2022 — in some markets they are still increasing but at a more modest rate, while in other markets they are decreasing.<sup>[10]</sup> However, housing costs remain high for many families, and renters' incomes haven't kept pace. Median rent rose nearly 19 percent from 2001 to 2022 while median renter household income only increased 4 percent, after adjusting for the overall inflation rate. (See Figure 1.) This persistent gap between rents and income leaves many families with few affordable housing options.

FIGURE 1

## Renters' Incomes Haven't Caught Up to Rising Housing Costs

Percent change since 2001, adjusted for inflation



Source: CBPP tabulations of the Census Bureau's American Community Survey

Note: Dashed line indicates missing 2020 1-year ACS data due to pandemic-related data collection issues.

## Impact of the Affordable Housing Crisis [↗](#)

Difficulty affording housing is heavily concentrated among households at the bottom of the income scale. Nearly everywhere in the country, rents are too high to be affordable to people with the lowest incomes, including low-paid workers,<sup>[11]</sup> low-income families with children, and older adults and people with disabilities who have low fixed incomes.<sup>[12]</sup>

Nearly two-thirds of households earning less than \$30,000 paid over half their income in rent in 2022, and these households are far more likely than higher-income households to experience homelessness and other housing-related hardship.<sup>[13]</sup>

Due to a long history of racial discrimination in housing and other areas, these problems are disproportionately concentrated among people of color. Over 63 percent of people in low-income households that pay more than half their incomes for housing are people of color.<sup>[14]</sup> Renters of

color, particularly Black renters, are also more likely to face eviction than white renters. Despite making up less than one-fifth of all renters, Black renters account for over half of those affected by eviction filings in a given year, putting them at higher risk of losing their homes and experiencing homelessness.<sup>[15]</sup> Black people make up nearly 13 percent of the U.S. population but were 37 percent of unhoused people in 2023.<sup>[16]</sup>

Other people of color also disproportionately face homelessness due to the gap between their incomes and the cost of housing. Native Hawaiian and Pacific Islanders experience the highest rates of homelessness, followed by American Indians and Alaska Natives, Black people, and Latine people.<sup>[17]</sup> People with disabilities are also overrepresented. Over half of adults and heads of households and 40 percent of youth staying in a shelter reported having a disability in 2021.<sup>[18]</sup> And 1 in 3 unhoused people experienced chronic homelessness in 2023, meaning they both had a disability and experienced extended or repeated homelessness.<sup>[19]</sup>

In addition to people who are unhoused, too many people who currently reside in existing affordable housing units, such as public housing and other federal subsidized multi-family developments, are living in dilapidated conditions that are increasingly unsafe and unhealthy.<sup>[20]</sup> Unfortunately, their income levels and lack of affordable housing options make it difficult for them to move to a better housing unit. Their assistance is tied to the property and isn't portable to a new place. This leaves people trapped in substandard housing.

**"Despite making up less than one-fifth of all renters, Black renters account for over half of those affected by eviction filings in a given year."**

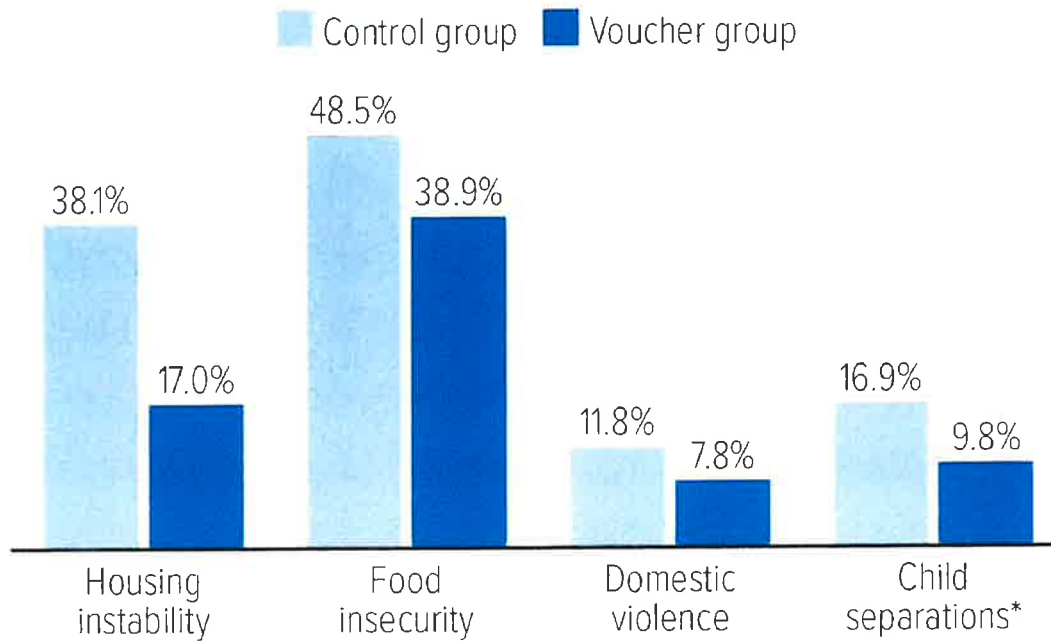
## Rental Assistance Helps Families With Low Incomes ↗

Tenant-based rental assistance, like the assistance provided through the Housing Choice Voucher program, is a large piece of the solution for the problems explained above, research shows. Housing vouchers sharply reduce homelessness, overcrowding, and housing instability. (See Figure 2.) And because stable housing is crucial to many other aspects of a family's life, those same studies show numerous additional benefits to vouchers. Children in families with vouchers are less likely to be placed in foster care, switch schools less frequently, experience fewer sleep disruptions and behavioral problems, and are likelier to exhibit positive social behaviors such as offering to help others or treating younger children kindly. Among adults in these families, vouchers reduce rates of domestic violence, drug and alcohol misuse, and psychological distress.<sup>[21]</sup>



FIGURE 2

## Vouchers Reduce Hardship for Families Experiencing Homelessness



Note: The control group consisted of homeless families who were not offered vouchers or other assistance under the study.

These data are the results reported 20 months into the HUD Family Options Study. All the other chart data are from the completed 3-year study.

Food insecurity = someone in the household had inadequate access to food at some point during the year.

Housing instability = family reported spending at least one night homeless or doubled up in the past six months or stayed in an emergency shelter in the past year.

Source: Gubits et al., "Family Options Study 3-Year Impacts of Housing and Services Interventions for Homeless Families," Department of Housing and Urban Development (HUD)

Expanding rental assistance can also sharply reduce racial disparities in poverty rates and a range of housing hardships. For example, one study estimated that providing vouchers to all eligible households would lift 9.3 million people above the poverty line, using a measure of poverty that counts in-kind benefits such as rental assistance as income. Poverty rates would drop for all racial and ethnic groups but most among Black and Latine households, reducing the gap in poverty rates between Black and white households by one-third and the gap between Latine and white households by nearly half.

Similarly, people of color would be particularly likely to benefit from reducing homelessness, overcrowding, and evictions and other housing instability as a result of additional vouchers.<sup>[22]</sup> Moreover, resources for tribal housing programs, such as HUD's Indian Housing Block Grant (IHBG), would be particularly helpful for reducing housing hardship in tribal areas. American Indians and Alaska Natives living on tribal lands face higher rates of overcrowding and substandard housing,<sup>[23]</sup> compared to the national average for all households.

Out of respect for their sovereignty, tribal nations receive federal housing funding through flexible grants such as IHBG instead of through programs like Housing Choice Vouchers, Project-Based Rental Assistance, or public housing. However, the funding in the IHBG is currently far too low to address the acute housing needs in these communities so more investment is critical.

## **Pandemic Relief Proved Federal Investments Can Succeed and Are Needed** ↻

The successes of housing relief that policymakers enacted in response to the COVID-19 pandemic demonstrate the impact of making significant investments in programs that promote housing stability. As the pandemic took hold, it became clear that housing assistance would be a critical piece of the response. Federal, state, and local governments acted to mitigate harm and help keep people housed during the public health emergency. This included the creation of the Emergency Rental Assistance (ERA) program and funding for 70,000 Emergency Housing Vouchers (EHVs) for people experiencing or at risk of homelessness and survivors of domestic violence and trafficking. As a result, evictions dropped below historical rates and homelessness mostly held steady during the initial pandemic response until resources, particularly in the ERA program, ran out.<sup>[24]</sup>

Congress provided a total of \$46.5 billion for the ERA program, which has helped more than 6.5 million households with rent or utilities. This level of resources devoted to housing during a crisis was unprecedented and, combined with eviction moratoria and other diversion efforts, prevented more than 1 million evictions nationwide, by one estimate.<sup>[25]</sup>

Even after the federal eviction moratorium ended in August 2021, ERA, eviction diversion programs, and other assistance programs helped reduce evictions in 2021 to levels at half the historical rate. As remaining local eviction moratoria expired and more ERA programs began pausing or ending their programs, eviction rates increased in 2022 but remained below the historical rate until the end of 2022 when many communities had depleted their ERA funds.<sup>[26]</sup>

Although the population eligible for ERA was fairly broad — people with incomes at or below 80 percent of the area median income who experienced a loss of income and faced housing instability — the program succeeded in reaching the people facing the greatest risk of eviction. For example:

- Some 64 percent of ERA recipients had extremely low incomes, which was double their share of those eligible, an analysis of equity in ERA conducted by the Government Services Administration's Office of Evaluation Sciences found.<sup>[27]</sup>



- ERA recipients, as compared to the overall target population, were more likely to be Black, American Indian and Alaska Native, and Native Hawaiian or Pacific Islander renters – groups that face the highest eviction risks.<sup>[28]</sup> Beyond the context of the pandemic, Black women are the group most likely to face eviction because of differences in wages, historic and ongoing housing discrimination, and other factors such as likelihood of children in the house, so ERA’s effectiveness at reaching this group is important.<sup>[29]</sup>

The success of ERA demonstrates the importance of investing in housing. First, it shows that when resources are provided, communities will use them effectively to help more people afford stable housing. Second, and more importantly, the uptake of ERA shows how many people are experiencing or one setback away from housing instability. The ERA program was designed to help people recover from financial shocks caused by the pandemic, and a permanent program would undoubtedly strengthen the country’s housing assistance system. But this short-term, temporary relief is no substitute for significant investment in well-targeted, long-term rental assistance and other measures to close the gaps between rents and incomes, especially for people facing the greatest economic hardships.

The American Rescue Plan funded 70,000 EHV in recognition that some households would need longer-term assistance, especially given pre-pandemic national trends in housing insecurity. The EHV program is designed to reach people facing the greatest barriers to stable housing. An early analysis of the program found that those receiving EHV on average have an income of \$11,349, which is about 27 percent less than the typical voucher household.

As of July 2022, the EHV program had the fastest leasing rate of any previous HUD housing voucher program.<sup>[30]</sup> This program’s success shows that additional rental assistance can be successfully used, even in tight markets. But because of its limited size, the program only reaches a small share of those who need ongoing assistance to afford rent.

## We Need a Comprehensive Strategy to Make Housing Affordable for All

Rental assistance is by far the most direct, effective way to address the nation’s most severe housing problems. While all federal rental assistance (this includes programs administered by both HUD and the U.S. Department of Agriculture) helps 10 million people in 5 million households afford housing, it only reaches about 1 in 4 households in need.<sup>[31]</sup> Policymakers should sharply expand rental assistance, ultimately building toward a program that guarantees assistance to every person with a low income who needs it.

Congress must:

- Maintain the current number of households receiving rental assistance *and* begin to expand rental assistance to reach all families who need it. This includes utilizing the mandatory side of the

budget for rental assistance expansion to ensure that funding adjusts as costs and needs rise and prioritizing expansion to reach all people with the lowest incomes first;

- Make larger and streamlined investments that increase supply of affordable housing;
- Increase investment in fair housing solutions and tenant protections; and
- Invest to revitalize public housing and other aging affordable housing developments.

**"Policymakers should sharply expand rental assistance...building toward a program that guarantees assistance to every person with a low income who needs it."**

## Protect and Expand Rental Assistance

Rental assistance programs are typically funded as if housing is optional for families, not a necessity. With only 1 in every 4 eligible households receiving rental assistance, the level of investment clearly does not match need. The spending caps under the debt ceiling agreement set tight limits for non-defense discretionary funding, which makes it challenging to maintain the number of families receiving assistance as rent rises, let alone to make the investments needed to meaningfully reduce the large number of families who face very high rent burdens that strain the family and all too often result in housing instability, eviction, and homelessness. Indeed, the funding levels for the voucher program in both the House and Senate appropriations bills — which were initially set before the cost needs of the program were fully known — would result in a loss in the number of families receiving rental assistance.

A loss in already limited assistance would hamper efforts to address increases in homelessness, evictions, and a lack of affordable housing and would likely increase the harm that people across the country face due to high rent costs. People left without vouchers — who are disproportionately Black, women, children, and people with disabilities — would be at high risk of eviction and potentially homelessness.

Therefore, in the short term, Congress should ensure a final 2024 appropriations legislation fully funds existing Housing Choice Vouchers by providing a significant increase over 2023 funding levels. CBPP estimates that the cost to retain existing vouchers is about \$2.3 billion above 2023 levels, assuming that part of the shortfall is covered using housing agencies' reserves. The 2024 funding bills passed by the House Appropriations Committee and the Senate increase funding, but not by enough to cover the cost of all existing vouchers.

Congress should also adequately fund other rental assistance programs, such as public housing, as well as Homeless Assistance Grants, which help people connect with emergency shelters and the services they need to obtain and maintain stable housing. These programs are all critical pieces of reducing the harms that come from housing instability.

Going forward, simply maintaining current levels of assistance won't address unmet need. Ensuring everyone has stable housing requires a level of investment and commitment that's better suited for mandatory funding that adjusts as need rises. Any rental assistance program that guarantees assistance to every person with a low income who needs it would have to be mandatory, rather than funded through annual discretionary appropriations, to ensure that benefits can be provided to all eligible households, similar to other mandatory programs like Medicaid and Social Security. This would ensure that enough funding is available to cover the cost of this assistance (which may be higher or lower than policymakers can project in advance, due to unpredictable factors such as market rents, family incomes, and the share of eligible households who participate).

Assuming phasing in such a program would be necessary, it should be developed using an income-based (rather than population-based) approach. An income-based expansion strategy that guarantees rental assistance first to people with the lowest incomes would ensure that people with the greatest needs are prioritized and would be the most equitable approach. It would also benefit from broad support among a variety of renter advocates and housing stakeholders because a wide range of groups of people at greatest risk of housing instability would benefit, including people of color, veterans, people experiencing homelessness, young adults, families with children, people with disabilities, and older adults.

Our current approach to addressing homelessness of pairing rental assistance with supportive services, is sound and decreased homelessness between 2007 and 2016. But homelessness started rising again in 2017 as more people were forced into homelessness each year due to the lack of deeply affordable housing.<sup>[32]</sup>

Population-based strategies to address homelessness while coping with constrained resources has negatively impacted progress. As homelessness began to rise in 2017, policymakers began to rely more heavily on interventions targeted to particular subgroups, like veterans, older adults, or children exiting foster care, as a way to cope with limited resources. These interventions helped those reached, but they often left behind groups more heavily affected by homelessness.

Notably, racial and ethnic demographics of various subgroups may not match the overall racial and ethnic makeup of people experiencing housing insecurity and homelessness, as seen with veterans and older adults experiencing homelessness.<sup>[33]</sup> For example, these efforts did little to address the substantial over-representation of Black people among the unhoused population. As we move ahead with efforts to expand rental assistance, we should craft efforts that target new resources to people based on their income. Doing so will make sure that those most in need get help.

Policymakers should also seek to improve rental assistance to make it easier for families to use it to rent housing of their choice. This should include reforms to the existing voucher program, such as streamlining housing quality inspections and allowing subsidy funds to be used for security deposits. In addition, direct rental assistance – which is provided directly to tenants rather than through landlords – should be tested both through privately funded local pilots (as HUD has proposed) and a national demonstration.<sup>[34]</sup>

## Increase and Streamline Funding for New Affordable Housing ↗

Many parts of the country face serious housing shortages, estimated at a total of 3.8 million units by a 2021 Freddie Mac study,<sup>[35]</sup> that drive up home prices and rents and limit the housing options available to families and individuals. In allocating new resources and implementing policies to make funding streams align more easily with each other and the Low Income Housing Tax Credit (LIHTC), policymakers should prioritize investments in programs that benefit the lowest-income people and other underserved groups, including the National Housing Trust Fund, Public Housing Operating and Capital Fund, and tribal housing programs. In addition to expanding LIHTC, policymakers should continue to promote ways to reform LIHTC to encourage states and developers to make rents affordable to people with incomes well below the program's eligibility limit.

## Fair Housing and Tenant Protections ↗

Our country's history of discriminatory housing policy is long and harmful housing discrimination is still a problem today. This is why ensuring renters have robust, enforceable rights against discrimination, coercion, and abuse is a critical pillar of addressing the affordable housing crisis. This includes funding for education, enforcement, and testing to ensure owners and other actors are abiding by the Fair Housing Act of 1968, which prohibits discrimination based on race, color, sex (including gender identity and sexual orientation), disability, national origin, religion, and familial status.

Another key aspect is implementation of the Affirmatively Furthering Fair Housing (AFFH) rule that charges HUD grantees with actively removing barriers to housing choice, overcoming patterns of segregation, and creating inclusive communities. Such proactive and defensive measures should be combined with broader federal, state, and local protections for all renters that help address imbalances of power created in the owner-tenant relationship, including increased access to legal representation during disputes such as eviction hearings.

## Preserve Existing Affordable Housing ↗

Governments at all levels and housing agencies must work together to preserve the existing affordable housing stock while also improving the properties and families' overall experience. This includes redeveloping existing public housing properties through HUD tools such as the Rental Assistance Demonstration program; finding ways to incentivize Low Income Housing Tax Credit property owners to keep their developments affordable once their initial contract term ends; investing in redevelopment resources for properties that receive HUD assistance such as the Project-Based Rental Assistance program; and incentivizing landlords to rent to families with low incomes — especially families receiving Housing Choice Vouchers. The estimated cost to revitalize existing public housing units alone is at least \$70 billion.<sup>[36]</sup> Even more is needed to maintain the entire existing affordable housing stock.



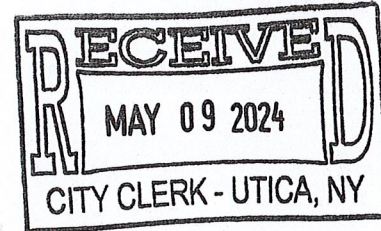
MICHAEL P. GALIME, MAYOR  
CITY OF UTICA

DEPARTMENT OF URBAN & ECONOMIC DEVELOPMENT  
1 KENNEDY PLAZA  
UTICA, NEW YORK 13502  
PHONE: (315) 792-0181  
FAX: (315) 797-6607



**PLANNING BOARD  
RESOLUTION**

**April 18, 2024**



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PB Case No.:	15-23	Zone:	Neighborhood Mixed Use (NMU)
Address:	313 James Street	Requested Action:	Site Plan Review
Applicant:	People First		
Owner:	City of Utica		

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WHEREAS: Pursuant to City of Utica Zoning Code Section 2-29-125(a) and (b), the applicant is seeking approval of a proposal to construct a new mixed-use large building at 313 James Street.

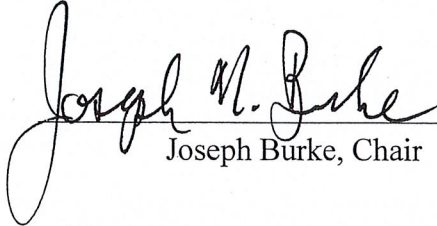
WHEREAS: The building will include twenty-four (24) affordable apartment units, community space for those residents along with passive recreational space outside of the building. On the ground floor, space will be provided for a much-needed grocery store. In addition, smaller spaces will be set aside to be occupied by start-up businesses led by entrepreneurs from the Cornhill neighborhood.

WHEREAS: At its meeting on Thursday, December 21<sup>st</sup>, the Planning Board tabled further review of the application until such time as SEQRA had been concluded. Additionally, the Planning Board declared itself Lead Agent for the purposes of SEQRA, determined the action to be an Unlisted action and asked Planning staff to conduct a coordinated review, due to the funding involved in the project. Letters were sent to that effect by Planning staff to NYS HCR, ESDC, UIDA, NYS Office of Temporary & Disabilities Assistance (NYS OTDA) on March 8<sup>th</sup>. NYS OTDA has indicated that they have no response. NYS HCR has indicated that they have no issue with the Planning Board acting as Lead Agent and offered a list of items that the developer would need to provide if State funding for the project was offered. Neither ESDC nor UIDA offered a response within the allotted time period.

NOW THEREFORE BE IT RESOLVED THAT, on a motion by Mr. Mitchell, seconded by Chairman Burke, and unanimously approved by all four voting members present (Mr. Colon was absent), the Planning Board determined that there were no negative impacts to the environmental anticipated as a result of the proposed project and, as such, issued a Negative Declaration.

BE IT FURTHER RESOLVED THAT, on a motion by Mr. Mitchell, seconded by Mr. Smajic, and unanimously approved by all four voting members present, the Planning Board granted Final Site Plan approval and a Special Use Permit to the proposed project contingent upon the following:

- The applicant shall satisfy all the requirements (including consolidation of all parcels as required by the Codes Department prior to start of construction) of the City Engineering Department.
- The applicant shall comply with the City's parking requirements for the project, to the satisfaction of the Commissioner of Urban & Economic Development.

  
\_\_\_\_\_  
Joseph Burke, Chair

  
\_\_\_\_\_  
Date



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

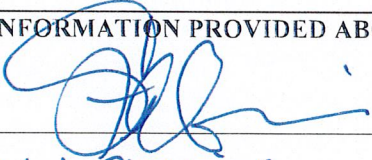
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: Renaissance Center				
Project Location (describe, and attach a location map): 313 James St, Utica New York 13501				
Brief Description of Proposed Action: THE PROJECT INCLUDES A MIXED USE BUILDING WHICH IS MADE UP OF THE FOLLOWING: 24 AFFORDABLE APARTMENT UNITS, INCLUDING COMMUNITY SPACES AND EXTERIOR PASSIVE RECREATION SPACES FOR THE RESIDENTS. THIS PORTION OF THE BUILDING MAKES UP APPROXIMATELY 75% OF THE ENTIRE CONSTRUCTION, OR 23,250 s.f.  THE FIRST FLOOR COMMERCIAL SPACE, WHICH IS DESIGNED TO PROVIDE LEASIBLE SPACES TO THE UNDERSERVED COMMUNITY. THESE INDIVIDULE STARTUP SHOPS ARE FOCUSED ON PROVIDING MINORITY BUISNESSES OPPERTUNITIES TO SERVE THE COMMUNITY. THERE WILL BE DESIGNATED SPACE FOR A MUCH NEEDED GROCERY STORE. IT REPRESENTS 25% OF THE ENTIRE CONSTRUCTION, OR 7,750 s.f.				
Name of Applicant or Sponsor: PEOPLE FIRST		Telephone: 315.735.5246 E-Mail: BCALLI@PEOPLEFIRSTNY.ORG		
Address: 509 SECOND ST				
City/PO: UTICA		State: NY	Zip Code: 13501	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Board - Site Plan Approval, Zoning Board - lot width variance			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.241 acres b. Total acreage to be physically disturbed? _____ .0241 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .0241 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Stormwater discharge will be to municipal sewer system within adjacent roadways.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u></u> Date: <u>12/8/2023</u>		
Signature: <u>STEVEN J. CARMINA</u> Title: <u>Pres/CEO</u>		

Project:	313 James Street/People First
Date:	April 17, 2024

## Short Environmental Assessment Form Part 2 - Impact Assessment

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>



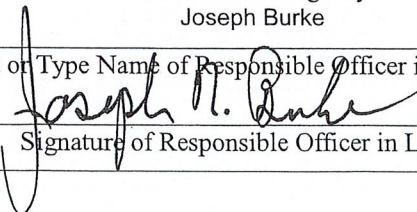
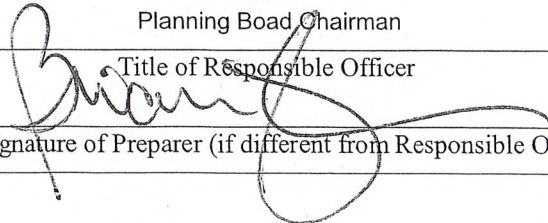
Project: 313 James Street

Date: April 17, 2024

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

This project will be a benefit to the neighborhood. After decades of private disinvestment along Cornhill's James Street corridor, this proposed project is one of the first newly constructed buildings in many years. While the existing site is vacant land and the proposed project will increase the density on this parcel, it is not anticipated to create any significant adverse impacts to the surrounding neighborhood.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
City of Utica Planning Board	April 18, 2024
Name of Lead Agency Joseph Burke	Date Planning Board Chairman
Print or Type Name of Responsible Officer in Lead Agency <i>Joseph N. Burke</i>	Title of Responsible Officer <i>Chairman</i>
Signature of Responsible Officer in Lead Agency 	Signature of Preparer (if different from Responsible Officer) 

**PRINT FORM**

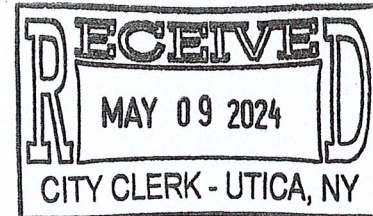
MICHAEL P. GALIME, MAYOR  
CITY OF UTICA



DEPARTMENT OF URBAN & ECONOMIC DEVELOPMENT  
1 KENNEDY PLAZA  
UTICA, NEW YORK 13502  
PHONE: (315) 792-0181  
FAX: (315) 797-6607

**PLANNING BOARD  
RESOLUTION**

**April 18, 2024**



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PB Case No.:	16-23	Zone:	Residential Mixed (RM)
Address:	West Street	Requested Action:	Site Plan Review
Applicant:	People First		
Owner:			

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WHEREAS: Pursuant to City of Utica Zoning Code Section 2-29-125(a) and (b), the applicant is seeking approval of a proposal to construct a new mixed-use large building on West Street.

WHEREAS: The building will include seventy-eight (78) affordable apartment units, community space for those residents along with passive recreational space outside of the building. On the ground floor, an impact center is planned which will provide community space for recreation, meetings, fitness and gathering areas.

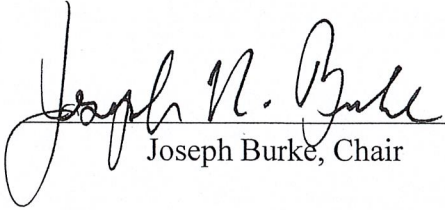
WHEREAS: At its meeting on Thursday, December 21<sup>st</sup>, the Planning Board tabled further review of the application until such time as SEQRA had been concluded. Additionally, the Planning Board declared itself Lead Agent for the purposes of SEQRA, determined the action to be an Unlisted action and asked Planning staff to conduct a coordinated review, due to the funding involved in the project. Letters were sent to that effect by Planning staff to NYS HCR, ESDC, UIDA, NYS Office of Temporary & Disabilities Assistance (NYS OTDA) on March 8<sup>th</sup>. NYS OTDA has indicated that they have no response. NYS HCR has indicated that they have no issue with the Planning Board acting as Lead Agent and offered a list of items that the developer would need to provide if State funding for the project was offered. Neither ESDC nor UIDA offered a response within the allotted time period.

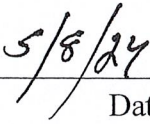
NOW THEREFORE BE IT RESOLVED THAT, on a motion by Mr. Mitchell, seconded by Mr. Smajic, and unanimously approved by all four voting members present (Mr. Colon was absent), the Planning Board determined that there were no negative impacts to the environmental anticipated as a result of the proposed project and, as such, issued a Negative Declaration.

BE IT FURTHER RESOLVED THAT, on a motion by Mr. Smajic, seconded by Mr. Myers, and unanimously approved by all four voting members present, the Planning Board granted Final Site Plan approval and a Special Use Permit to the proposed project contingent upon the applicant



satisfying all the requirements (including consolidation of all parcels as required by the Codes Department prior to start of construction) of the City Engineering Department.

  
\_\_\_\_\_  
Joseph Burke, Chair

  
\_\_\_\_\_  
Date

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: Impact Center				
Project Location (describe, and attach a location map): West Street, Utica, New York 13501				
Brief Description of Proposed Action: THE PROJECT INCLUDES A MIXED USE BUILDING WHICH IS MADE UP OF THE FOLLOWING: 78 AFFORDABLE APARTMENT UNITS, INCLUDING COMMUNITY SPACES AND EXTERIOR PASSIVE RECREATION SPACES FOR THE RESIDENTS. THIS PORTION OF THE BUILDING MAKES UP APPROXIMATELY 28% OF THE ENTIRE CONSTRUCTION, OR 74,000 s.f.  THE IMPACT CENTER, WHICH IS A COMMUNITY WIDE FACILITY WILL PROVIDE MUCH NEEDED ACCESS FOR RECREATION AND INTERIOR MEETING, FITNESS, AND GATHERING AREAS FOR THE GREATER UTICA AREAS. IT REPRESENTS 28% OF THE ENTIRE CONSTRUCTION, OR 30,000 s.f.				
Name of Applicant or Sponsor: PEOPLE FIRST		Telephone: 315.735.5246 E-Mail: BCALLI@PEOPLEFIRSTNY.ORG		
Address: 509 SECOND ST				
City/PO: UTICA		State: NY	Zip Code: 13501	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Board - Site Plan Zoning Board - variances			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.85 acres b. Total acreage to be physically disturbed? _____ 1.85 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.85 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Peregrine Falcon	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: Stormwater discharge will be to municipal sewer system within adjacent roadways.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: Underground stormwater detention system sized to meet local regulations.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Steven J. Carmina</u> Date: <u>12/8/2023</u>		
Signature: <u>[Signature]</u> Title: <u>PRES/COO</u>		



Project:	West Street/People First
Date:	April 17, 2024

## Short Environmental Assessment Form Part 2 - Impact Assessment

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

This project will be a benefit to the neighborhood. After decades of private disinvestment in the city's Cornhill neighborhood, this proposed project will combine a need for access to public services with a significant increase to the city's inventory of affordable housing. While the proposed project increases density in the surrounding neighborhood slightly, the city was once home to over 100,000 in the 1940's and thus will be easily accommodated without significant adverse impacts to the environment.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Utica Planning Board

April 18, 2024

Name of Lead Agency  
Joseph Burke

Date  
Planning Board Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**Inducement Resolution  
Impact Cornhill LLC  
James Street and West Street Facility**

RESOLUTION OF THE CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION IN CONNECTION WITH A LEASE-LEASEBACK TRANSACTION WITH IMPACT CORNHILL LLC, THE PRINCIPALS OF IMPACT CORNHILL LLC, AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF ANY OF THE FOREGOING, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT, AUTHORIZING A PUBLIC HEARING AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

WHEREAS, Impact Cornhill LLC, on behalf of itself and/or the principals of Impact Cornhill LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Company”) has applied to the Agency to enter into a lease-leaseback transaction in which the Agency will assist in (i) acquisition of two parcels of land located at 1119 – 1121 West Street and ten parcels of land located at (no numbers assigned), 1112, 1122 – 1127 Miller Street (collectively, the “West Street Land”) and a parcel of land located at 313 James Street (the “James Street Land”), all in the City of Utica, Oneida County, New York (collectively, the “Land”); (ii) construction on the James Street Land of a multifamily affordable housing facility with 24 residential units, 5,500± square feet of commercial space, a 31,000± square foot community center, entrepreneurial incubator pods, urban grocery store and courtyard together with infrastructure to service the same (collectively, the “James Street Improvements”); (iii) demolition of three buildings situated on the West Street Land and construction of a multifamily affordable housing facility with 78 residential units, 26,000± square feet of commercial space, a 20,000± square foot community center and a 9,000± square foot gymnasium together with infrastructure to service the same (the “West Street Improvements” and together with the James Street Improvements, the “Improvements”); and (iv) acquisition and installation of furniture, fixtures and equipment in the Improvements (the “Equipment”), all to be beneficially owned and operated by the Company as a multifamily mixed-income and supportive housing facility to enhance economic development and retain employment in the City of Utica (the Land, 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, Impact Cornhill Housing Development Fund Corporation, a New York not-for-profit corporation is (or will be on the date of closing) the fee owner, as nominee, of the Facility and the Company is (or will be on the date of closing) beneficial owner of the Facility and will lease the Facility to the Agency pursuant to a Lease Agreement; and

WHEREAS, the Facility will be leased back to the Company for its operation pursuant to a Leaseback Agreement by and between the Agency and the Company (the “Leaseback Agreement”) and pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 372 of the Laws of 1970 of the State of New York, as may be amended from time to time (collectively, the “Act”); and

WHEREAS, the Company intends to further sublease individual residential units comprising the Facility to residential tenants (each a “Residential Sublessee” and collectively the “Residential Sublessees”); and

WHEREAS, the Company intends to further sublease the commercial portions of the Facility to commercial tenants to be identified (each a “Commercial Sublessee” and together with the Residential Sublessees the “Sublessees”); and

WHEREAS, the New York State Housing Finance Agency (“NYS HFA”) intends to finance a portion of the costs of the Facility by extending one or more loans to the Company in the aggregate principal sum of \$25,700,854.00 to be secured by one or more mortgages (collectively, the “HFA Mortgage”) from the Company to NYS HFA; and

WHEREAS, the City of Utica commissioned a housing study (the “Utica Housing Study”) that identified a need for quality affordable housing; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company in the form of abatement of real property tax for a period of thirty-one (31) years during which time the Company will pay as PILOT Payments (i) during the construction period, an amount equal to the taxes calculated using the assessment of the Land for the 2024 taxable status date and (ii) eight percent (8.00%) of the effective gross income of the Facility for thirty (30) years (the “Financial Assistance”), which



Financial Assistance is a deviation from the Agency’s Uniform Tax Exemption Policy; and

WHEREAS, the value of the proposed Financial Assistance is as follows:

Sales and use tax exemption	N/A
Mortgage recording tax exemption	N/A
Real property tax abatement	\$8,247,484.00 (approximately)

WHEREAS, the Agency is contemplating deviating from Policy for the following reasons:

- **The nature of the proposed Facility** – The mixed-use nature of the Facility will provide necessary amenities, is in furtherance of the Downtown Revitalization Initiative and is consistent with the Master Plan for the City of Utica. The Facility will also fill a demand for housing identified in the Vision2020 initiative and the City of Utica Housing Study.

The Impact Centers are designed to foster economic revitalization and support neighborhood families. A strong collaboration has resulted in partnerships between the project & local organizations that intend to provide services. Programming at West Street includes a multipurpose gym with adult recreation and fitness; additional programming will include public community space, coworking, test kitchen, entrepreneurial incubator, recreational gym and dance area, media and art space, and a courtyard. This programming is critical to creating educational and vocational opportunities for the community, supporting upward mobility. James Street includes an urban grocery, marketplace and commercial test kitchen for food vendors and start-up restaurateurs, flexible space for small retail and other microenterprise opportunities, incubating small-scale programming to support business owners, and creative spaces including a recording studio and multimedia lab.

- **The nature of the Facility before the project begins** – The West Street land is comprised of buildings that are underutilized. The James Street land is vacant.
- **The economic condition of the area at the time of the application** – the Facility is located in an area that has been designated an economic development zone pursuant to Article 18-B of the General Municipal Law, and is therefore located in a “highly distressed area” (as defined in Section 854(18) of the New York General Municipal Law) because the Facility is located in a former Empire Development Zone as described in Article 18-B of the General Municipal Law.

The Cornhill neighborhood is one of Utica's most diverse and economically challenged neighborhoods.

- **The impact of the proposed Facility on existing and proposed businesses and economic development projects in the vicinity** – redeveloping and stabilizing the Facility will help to revitalize the neighborhood and will support and complement new and future projects. The two community Impact Centers - the West Street Center and the James Street Center -- will support a mix of innovative and existing community-focused programs. The West Street Center will be the centerpiece of an urban opportunity campus on the periphery of a targeted development area identified in the City's Housing Study. The Facility will contain space to be occupied by start-up businesses led by entrepreneurs from the neighborhood.
- **The extent to which the Facility will retain and increase permanent, private sector jobs.**
- **Impact of the proposed tax exemptions on affected tax jurisdictions:** The proposed PILOT Payments are significantly higher than the tax payments that are currently generated by the property. The PILOT Payments will not reduce the amount of tax revenue presently realized by the affected tax jurisdictions but they will allow the Company to make a significant investment in the property, which will benefit the community.
- **The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located** – as the properties have been underutilized for several years, private development and ownership may be a boost to the local taxing jurisdictions by providing for additional real property tax revenues through the possibility of a higher assessed value.

WHEREAS, prior to the closing of a lease-leaseback transaction, and the granting of any Financial Assistance, a public hearing (the "Hearing") will 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, can be heard; and

WHEREAS, notice of the Hearing will be given prior to the closing of a lease-leaseback transaction, and the granting of any Financial Assistance, and such notice (together with proof of publication) will be substantially in the form annexed hereto as **Exhibit A**; and

WHEREAS, the minutes of the Hearing are or will be annexed hereto as **Exhibit B**; and

WHEREAS, prior to the granting of any financial assistance, the Agency must make a finding that the Project will promote employment opportunities and prevent economic deterioration in the area served by the Agency; and

WHEREAS, the Company has submitted to the Agency an application and supporting materials to support said finding, regarding the economic and other benefits to the City of Utica expected to result from the Project and the positive impact of affordable housing on local economies; and

WHEREAS, the Agency has given due consideration to the application and other materials submitted by the Company and to representations by the Company that the proposed grant of financial assistance, is an inducement to the Company to acquire and renovate the Facility, and will promote employment opportunities and prevent economic deterioration in the City of Utica; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, the “SEQR Act” or “SEQRA”), the Agency constitutes a “State Agency”; and

WHEREAS, to aid the Agency in determining whether the Facilities may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form and related documents (the “Questionnaire”) with respect to the Facilities, a copy of which is on file at the office of the Agency; and

WHEREAS, prior to the granting of any tax benefits, the Agency will complete its environmental review and make determinations for purposes of SEQRA.

WHEREAS, the members of the Agency now desire to take certain initial actions to authorize the Project.

NOW, THEREFORE, BE IT RESOLVED by the City of Utica Industrial Development Agency (a majority of the members thereof affirmatively concurring) that:

- Section 1. (a) The Project constitutes a “project” within the meaning of the Act.
- (b) The undertaking of the Project and the financial assistance thereof by the Agency, through the lease of the Facility to the Company by the Agency pursuant to a lease-leaseback transaction, will induce

the Company to acquire, demolish and construct the Facility in the City of Utica, thereby increasing the supply of adequate, safe and sanitary low rent housing accommodations for persons and families of mixed income, will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of the City of Utica and the people of the State of New York and improve their standard of living, and thereby serve the public purposes of the Act and the same is, therefore, approved;

- (c) It is desirable and in the public interest for the Agency to enter into a lease-leaseback transaction for the purpose of providing financial assistance for the acquisition, demolition, construction and equipping of the Facility, together with necessary incidental expenses in connection therewith as reflected in the Company's application to the Agency and as amended from time to time prior to the closing of the lease-leaseback transaction.
- (d) The purpose of the Project is to redevelop and renew a diverse and economically challenged neighborhood in the City of Utica by providing mixed-income and supportive housing, which fills a need identified in the Utica Housing Study by increasing the stock of new and safe affordable housing. The Project will also create Impact Centers that will foster economic revitalization, support families and provide space for start-up businesses led by entrepreneurs from the neighborhood.
- (e) Based on the representations made by the Company and the materials provided in the Application, the Project will promote employment opportunities and prevent economic deterioration in the City of Utica.

Section 3.

The form and substance of a proposed inducement agreement (in substantially the form presented to this meeting) by and between the Agency and the Company setting forth the undertakings of the Agency and the Company with respect to the closing of the lease-leaseback transaction and the acquisition, demolition, construction and equipping of the Facility (the "Agreement") is hereby approved. The Chairman of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agreement, with such changes in terms and form as the Chairman shall approve. The execution thereof by the Chairman shall constitute conclusive evidence of such approval.



- Section 4. Subject to the conditions set forth in Section 4.02 of the Agreement, the Agency shall (i) assist with the acquisition, demolition, construction and equipping of the Facility, (ii) lease the Facility to the Company pursuant to an agreement by and between the Agency and the Company whereby the Company will be obligated, among other things, to make payments to or for the account of the Agency.
- Section 5. The law firm of Bond, Schoeneck & King, PLLC is appointed Transaction Counsel and Agency Counsel in connection with the lease-leaseback transaction.
- Section 6. Counsel to the Agency and Transaction Counsel are hereby authorized to work with counsel to the Company and others to prepare, for submission to the Agency, all documents necessary to effect the lease-leaseback transaction.
- Section 7. The Chairman of the Agency is hereby authorized and directed (i) to distribute copies of this resolution to the Company, and (ii) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.
- Section 8. A copy of this resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours, and shall also be posted on the Agency's public website.
- Section 9. 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 11, 2024 at 9:00 a.m., local time, at One Kennedy Plaza, Utica, New York which the following members were:

**Members Present:**

**Member Excused:**

**Also Present:**

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

and, therefore, the resolution was declared duly adopted.

The Agreement and the Application are in substantially the form presented to and approved at such meeting.

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 on September 11, 2024.

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Jack N. Spaeth, Assistant Secretary

## EXHIBIT A

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law, will be held by the City of Utica Industrial Development Agency (the "Agency") on the \_\_\_\_ day of September 2024, at \_\_\_\_ AM, local time, at Utica City Hall, Urban & Economic Development Corporation conference room, Second Floor, One Kennedy Plaza, Utica, New York, in connection with the following matters:

Impact Cornhill LLC, on behalf of itself and/or the principals of Impact Cornhill LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the Agency to enter into a lease-leaseback transaction in which the Agency will assist in (i) acquisition of two parcels of land located at 1119 – 1121 West Street and ten parcels of land located at (no numbers assigned), 1112, 1122 – 1127 Miller Street (collectively, the "West Street Land") and a parcel of land located at 313 James Street (the "James Street Land"), all in the City of Utica, Oneida County, New York (collectively, the "Land"); (ii) construction on the James Street Land of a multifamily affordable housing facility with 24 residential units, 5,500± square feet of commercial space, a 31,000± square foot community center, entrepreneurial incubator pods, urban grocery store and courtyard together with infrastructure to service the same (collectively, the "James Street Improvements"); (iii) demolition of three buildings situated on the West Street Land and construction of a multifamily affordable housing facility with 78 residential units, 26,000± square feet of commercial space, a 20,000± square foot community center and a 9,000± square foot gymnasium together with infrastructure to service the same (the "West Street Improvements" and together with the James Street Improvements, the "Improvements"); and (iv) acquisition and installation of furniture, fixtures and equipment in the Improvements (the "Equipment"), all to be beneficially owned and operated by the Company as a multifamily mixed-income and supportive housing facility to enhance economic development and retain employment in the City of Utica (the Land, 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"). The Facility will be initially operated by the Company.

The Company will lease the Facility to the Agency for a term of approximately thirty-one (31) years (the "Lease Term"). The Agency will lease the Facility back to the Company for the Lease Term, and the Company will further sub-sublease the Facility to residential tenants and commercial or retail tenants to be determined from time to time. At the end of the Lease Term, the Agency will terminate its leasehold interest in the Facility. The Agency contemplates that it will provide financial assistance to the Company in the form of abatement of real property tax for a period of thirty-one (31) years during which time the Company will pay as PILOT Payments (i) during the construction period, an amount equal to the taxes calculated using the assessment of the Land for the 2024 taxable status date and (i) eight percent

(8.00%) of the effective gross income of the Facility for thirty (30) years (the “Financial Assistance”), which Financial Assistance is a deviation from the Agency’s Uniform Tax Exemption Policy.

A representative of the Agency will at the above-stated time and place hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility. Comments may also be submitted to the Agency in writing or electronically prior to the Public Hearing. Members of the public may also access the Public Hearing on the Agency’s website. Minutes of the Public Hearing will be transcribed and posted on the Agency’s website. A copy of the Application for Financial Assistance filed by the Company with the Agency, including an analysis of the costs and benefits of the proposed Project, is available for public inspection at the offices of the Agency, One Kennedy Plaza, Utica, New York and on the Agency’s website.

CITY OF UTICA INDUSTRIAL  
DEVELOPMENT AGENCY

Dated: September 11, 2024

By: /s/ Vincent J. Gilroy, Jr., Chairman

## EXHIBIT B

### MINUTES OF PUBLIC HEARING

City of Utica Industrial Development Agency  
2024 Real Estate Lease  
Impact Cornhill LLC Facility

1. Jack Spaeth, Executive Director of the City of Utica Industrial Development Agency (the “Agency”), called the hearing to order at \_\_\_\_\_ a.m.
2. The Executive Director, also being the Assistant Secretary of the Agency, recorded the minutes of the hearing.
3. The Executive Director then described the proposed project and related financial assistance as follows:

Impact Cornhill LLC, on behalf of itself and/or the principals of Impact Cornhill LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Company”) has applied to the Agency to enter into a lease-leaseback transaction in which the Agency will assist in (i) acquisition of two parcels of land located at 1119 – 1121 West Street and ten parcels of land located at (no numbers assigned), 1112, 1122 – 1127 Miller Street (collectively, the “West Street Land”) and a parcel of land located at 313 James Street (the “James Street Land”), all in the City of Utica, Oneida County, New York (collectively, the “Land”); (ii) construction on the James Street Land of a multifamily affordable housing facility with 24 residential units, 5,500± square feet of commercial space, a 31,000± square foot community center, entrepreneurial incubator pods, urban grocery store and courtyard together with infrastructure to service the same (collectively, the “James Street Improvements”); (iii) demolition of three buildings situated on the West Street Land and construction of a multifamily affordable housing facility with 78 residential units, 26,000± square feet of commercial space, a 20,000± square foot community center and a 9,000± square foot gymnasium together with infrastructure to service the same (the “West Street Improvements” and together with the James Street Improvements, the “Improvements”); and (iv) acquisition and installation of furniture, fixtures and equipment in the Improvements (the “Equipment”), all to be beneficially owned and operated by the Company as a multifamily mixed-income and supportive housing facility to enhance economic development and retain employment in the City of Utica (the Land, 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”). The Facility will be initially operated by the Company.

The Company will lease the Facility to the Agency for a term of approximately thirty-one (31) years (the “Lease Term”). The Agency will lease the Facility back to the Company for the Lease Term, and the Company will further sub-lease the Facility to residential tenants and commercial or retail tenants to be determined from time to time. At the end of the Lease Term, the Agency will terminate its leasehold interest in the Facility. The Agency contemplates that it will provide financial assistance to the Company in the form of abatement of real property tax for a period of thirty-one (31) years during which time the Company will pay as PILOT Payments (i) during the construction period, an amount equal to the taxes calculated using the assessment of the Land for the 2024 taxable status date and (ii) eight percent (8.00%) of the effective gross income of the Facility for thirty (30) years (the “Financial Assistance”), which Financial Assistance is a deviation from the Agency’s Uniform Tax Exemption Policy.

4. The Executive Director then opened up the hearing for comments from the floor for or against the proposed financial assistance and the location and nature of the Facility. Below is a listing of the persons heard and a summary of their views.
  
  
  
  
  
  
  
  
  
  
5. The Executive Director then asked if there were any further comments, and, there being none, the hearing was closed at \_\_\_\_\_ a.m.

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(Assistant) Secretary

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 the minutes of a public hearing held by the City of Utica Industrial Development Agency (the "Agency") on September \_\_, 2024 at \_\_\_\_\_ a.m. local time, at Utica City Hall, Urban & Economic Development Corporation conference room, Second Floor, One Kennedy Plaza, Utica, New York with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the minutes in connection with such matter.

I FURTHER CERTIFY that (i) pursuant to Title 1 of Article 18-A of the New York General Municipal Law, said hearing was open to the general public, and public notice of the time and place of said hearing was duly given in accordance with such Title 1 of Article 18-A, (ii) the hearing in all respects was duly held, and (iii) members of the public had an opportunity to be heard.

IN WITNESS WHEREOF, I have hereunto set my hand as of \_\_\_\_\_, 2024.

\_\_\_\_\_  
(Assistant) Secretary



**Transcript Document No. [ ]**

**SEQR Resolution  
Impact Cornhill LLC**

Date: September 11, 2024

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

WHEREAS, Impact Cornhill LLC, on behalf of itself and/or the principals of Impact Cornhill LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the Agency to enter into a lease-leaseback transaction in which the Agency will assist in (i) acquisition of two parcels of land located at 1119 – 1121 West Street and ten parcels of land located at (no numbers assigned), 1112, 1122 – 1127 Miller Street (collectively, the "West Street Land") and a parcel of land located at 313 James Street (the "James Street Land"), all in the City of Utica, Oneida County, New York (collectively, the "Land"); (ii) construction on the James Street Land of a multifamily affordable housing facility with 24 residential units, 5,500± square feet of commercial space, a 31,000± square foot community center, entrepreneurial incubator pods, urban grocery store and courtyard together with infrastructure to service the same (collectively, the "James Street Improvements"); (iii) demolition of three buildings situated on the West Street Land and construction of a multifamily affordable housing facility with 78 residential units, 26,000± square feet of commercial space, a 20,000± square foot community center and a 9,000± square foot gymnasium together with infrastructure to service the same (the "West Street Improvements" and together with the James Street Improvements, the "Improvements"); and (iv) acquisition and installation of furniture, fixtures and equipment in the Improvements (the "Equipment"), all to be beneficially owned and operated by the Company as a multifamily mixed-income and supportive housing facility to enhance economic development and retain employment in the City of Utica (the Land, 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, 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 desires to determine whether the demolition, 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 therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Agency has reviewed the April 18, 2024 resolutions, findings and negative declarations of the City of Utica Planning Board in connection with its site plan reviews (collectively, the "Planning Board Review"), 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, pursuant to the Regulations, the Agency has examined the EAF and the Planning Board Review in order to make a determination as to the potential environmental significance of the Facility.

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, the EAF, the Planning Board Review 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 as described in the Application and the EAF;
- (B) The Facility constitutes a "Type I Action" (as defined in the Regulations);
- (C) No potentially significant impacts on the environment are noted in 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. As a result, the Agency has prepared a negative declaration with respect to the Facility.

Section 3. The Executive Director of the Agency is hereby directed to file in the Agency's records a negative declaration with respect to the Facility (said negative declaration to be substantially in the form and substantially to the effect of the negative declaration attached hereto).

Section 4. This resolution shall take effect immediately.

[Remainder of page left blank intentionally]

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 Agency duly convened in public session on September 11, 2024 at 9:00 a.m., local time, at One Kennedy Plaza, Utica, New York which the following members were:

**Members Present:**

**Member Excused:**

**Also Present:**

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

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 \_\_\_\_\_, 2024.

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Assistant Secretary

Transcript Document No. [ ]

**Final Authorizing Resolution  
People First AMP 1, LLC Facility**

Date: September 11, 2024

At a meeting of the City of Utica Industrial Development Agency, Utica, New York (the "Agency"), held at One Kennedy Plaza, Utica, New York at 9:00 a.m. on September 11, 2024, the following members of the Agency were:

**Members Present:**

**Members Excused:**

**Also Present:**

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to authorizing acquisition of a leasehold interest in and financial assistance for a certain industrial development facility more particularly described below (People First AMP 1, LLC Facility) and the leasing of the facility to People First AMP 1, LLC.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:



RESOLUTION AUTHORIZING THE AGENCY TO EXECUTE THE LEASE AGREEMENT, THE LEASEBACK AGREEMENT, THE PILOT AGREEMENT, THE ENVIRONMENTAL COMPLIANCE AND INDEMNIFICATION AGREEMENT, AND RELATED DOCUMENTS WITH RESPECT TO THE PEOPLE FIRST AMP 1, LLC FACILITY LOCATED AT 1600, 1736 AND 1790 ARMORY DRIVE IN THE CITY OF UTICA, ONEIDA COUNTY, AUTHORIZING FINANCIAL ASSISTANCE THAT IS A DEVIATION FROM POLICY, AND MAKING CERTAIN FINDINGS RELATING TO THE FACILITY.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 710 of the Laws of 1981 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, People First AMP 1, LLC, on behalf of itself and/or the principals of People First AMP 1, LLC and/or an entity or entities formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the Agency to enter into a set of lease-leaseback transactions in which the Agency will assist in a multiphase development consisting of (i) the phased demolition of forty-one (41) residential apartment buildings containing 361 units known as F.X. Matt, ND Peters and Adrean Terrace Apartments and the community room known as the Vega Center; (ii) the phased construction of 425 new, energy efficient affordable housing units including 60 supportive units with onsite services; a new community building; outdoor amenities and landscaping; and all roads, sidewalks, parking lots and infrastructure to service the same (collectively, the "Improvements") situated on three (3) parcels of land containing 25± acres in the aggregate located at 1600, 1736 and 1790 Armory Drive in the City of Utica, Oneida County, New York (collectively, the "Land") and (iii) acquisition and installation of furniture, fixtures and equipment in the Improvements (the "Equipment"), all to be used for the purpose of preserving affordable housing and to enhance economic development and retain employment in the City of Utica (the respective Land, the Improvements and the Equipment are referred to individually each as a "Facility, and collectively as the "Facilities" and the phased demolition, construction and equipping of each Facility is referred to individually each as a "Project" and collectively as the "Projects"); and

WHEREAS, the Company has agreed to lease the Facilities to the Agency pursuant to one or more Lease Agreements (each a "Lease Agreement") between the Agency and the Company; and

WHEREAS, the Agency has agreed to lease the Facilities back to the Company pursuant to one or more Leaseback Agreements between the Agency and the Company (each a "Leaseback Agreement") for its operation; and

WHEREAS, the Company intends to further sublease individual residential units comprising the Facilities to residential tenants (each a "Sublessee" and collectively the "Sublessees"); and

WHEREAS, the New York State Housing Finance Agency ("NYS HFA") intends to finance a portion of the costs of the Facilities by extending a loan to the Company in the estimated principal sum of \$155,780,000.00 to be secured by a Subsidy Mortgage (the "HFA Mortgage") from the Company to NYS HFA; and

WHEREAS, the New York State Homeless Housing and Assistance Corporation ("NYS HHAC") through the New York State Homeless Housing and Assistance Program ("NYS HHAP") intends to finance a portion of the costs of the Facilities by extending a loan to the Company in the estimated principal sum of up to \$15,000,000.00 to be secured by a Mortgage (the "NYS HHAC Mortgage") from the Company and HDFC to NYS HHAC; and

WHEREAS, the City of Utica commissioned a housing study (the "Utica Housing Study") that identified a need for quality affordable housing; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company in the form of exemptions from sales and use taxes on materials incorporated into each Facility, exemptions from mortgage recording taxes, and abatement of real property tax for a period of thirty-five (35) years during which time the Company will pay as PILOT Payments (i) fixed payments during the construction period of each Project and (ii) after completion of each Project, three and one-half percent (3.50%) of the effective gross income of the applicable Facility for a period of 30 years (the "Financial Assistance"), which Financial Assistance is a deviation from the Agency's Uniform Tax Exemption Policy; and

WHEREAS, the value of the proposed Financial Assistance is as follows:

Sales and use tax exemption	\$ 7,875,000.00
Mortgage recording tax exemption	\$ 195,000.00
Real property tax abatement	\$18,322,812.00 (approximately)

WHEREAS, as a condition of Financial Assistance, the Company has committed to retain the existing six (6) full-time equivalent ("FTE") positions and create an additional seven (7) FTEs at the Facilities within two years of project completion; and

WHEREAS, the Agency, by resolution duly adopted on August 21, 2024 (the “Resolution”), decided to proceed under the provisions of the Act to lease the Facilities 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 Facilities, could be heard; and

WHEREAS, on August 29, 2024 a notice of the public hearing was published in the *Daily Sentinel* and on August 27, 2024 written notice of the public hearing was delivered to the chief executive officer of the affected taxing jurisdictions in which the Facilities are located, which included a notice of the Agency’s intent to deviate from Policy and providing the date, time and location of this meeting, setting forth its reasons for deviating and describing the proposed Financial Assistance; and

WHEREAS, the Agency conducted a public hearing on September 9, 2024 and has reviewed the minutes of said public hearing; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities which may arise in connection with the transaction contemplated by the lease of the land and the transfer of a leasehold interest in the Facilities.

NOW, THEREFORE, BE IT RESOLVED by the City of Utica Industrial Development Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. The Agency hereby finds and determines:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facilities constitute a “project”, as such term is defined in the Act; and

(c) The phased demolition, construction and equipping of the Facilities, the leasing of the Facilities to the Company, and the financing of the Facilities through the NYS HFA and NYS HHAP will promote and maintain the employment opportunities, health, general prosperity and economic welfare of the citizens of the City of Utica and the State of New York, improve their standard of living and prevent economic deterioration, and thereby serve the public purposes of the Act; and

(d) The phased demolition, construction and equipping of the Facilities is reasonably necessary to induce the Company to maintain and expand its business operation in the State of New York; and

(e) The purpose of the Project is to significantly rehabilitate existing affordable housing, which fills a need identified in the Utica Housing Study by increasing the stock of new and safe, affordable housing as well as rehabilitating underutilized buildings into affordable housing, and will promote employment opportunities and prevent economic deterioration in the area served by the Agency; and

(f) Based upon representations of the Company and the Company's Counsel, the Facilities conform with the local zoning laws and planning regulations of the City of Utica and all regional and local land use plans for the area in which the Facilities are located; and

(g) It is desirable and in the public interest for the Agency to acquire a leasehold interest in the Facilities and lease the Facilities to the Company; and

(h) The SEQRA findings adopted by the Agency on August 21, 2024 encompassed the actions to be undertaken by this resolution and no changes have been made since that time to the proposed action that would create new or increased adverse environmental impacts; and

(i) Each Lease Agreement will be an effective instrument whereby the Company conveys to the Agency a leasehold interest in the Facilities; and

(j) Each Leaseback Agreement will be an effective instrument whereby the Agency leases the Facilities back to the Company; and

(k) Each Environmental Compliance and Indemnification Agreement (the "Environmental Compliance and Indemnification Agreement") by and between the Agency and the Company will be an effective instrument whereby the Company agrees to comply with all Environmental Laws (as defined therein) applicable to the Facilities and will indemnify and hold harmless the Agency for all liability under all such Environmental Laws; and

(l) Each Payment-In-Lieu-of-Tax Agreement (the "PILOT Agreement") between the Agency and the Company will be an effective instrument whereby the Company agrees to make payments in lieu of taxes for the term of the Leaseback Agreement; and

(m) It is appropriate to deviate from Policy and authorize the Financial Assistance for the following reasons:

- **The nature of the proposed Facilities** – The Facilities will provide 425 new, energy efficient affordable housing units, providing 60 new supportive units with onsite services. The Facilities will also fill a demand for affordable housing identified in the Vision2020 initiative and the City of Utica Housing Study.
- **The nature of the Facilities before the project begins** – The F.X. Matt, ND Peters and Adrean Terrace Apartments have reached functional obsolescence and are in dire need of rehabilitation. The current units do not meet the needs of residents, ranging from lack of ADA accessibility to failing infrastructure.
- **The impact of the proposed Facilities on existing and proposed businesses and economic development projects in the vicinity** – redeveloping and stabilizing the Facilities will help to revitalize the neighborhood.
- **The extent to which the Facilities will retain and increase permanent, private sector jobs.**
- **Impact of the proposed tax exemptions on affected tax jurisdictions:** The Facilities currently make tax payments under a Cooperation Agreement with the City of Utica. The proposed PILOT Payments are considerably higher than the payments that are currently generated by the property. The proposed Financial Assistance will increase the amount of tax revenue presently realized by the affected tax jurisdictions while allowing the Company to make a significant investment to renovate the Facilities, which will benefit the community.
- **The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located** – as the buildings have deteriorated over the years, renovations may be a boost to the local taxing jurisdictions by providing for additional real property tax revenues through the possibility of a higher assessed value.

Section 2. In consequence of the foregoing, the Agency hereby determines to: (i) acquire a leasehold interest in the Facilities from the Company pursuant to one or more Lease Agreements; (ii) execute, deliver and perform the Lease Agreements; (iii) lease the Facilities back to the Company pursuant to one or

more Leaseback Agreements, (iv) execute, deliver and perform the Leaseback Agreements, (v) execute, deliver and perform the Environmental Compliance and Indemnification Agreements, (vi) execute, deliver and perform the PILOT Agreements and (vii) deviate from Policy and authorize the Financial Assistance.

Section 3. The Agency is hereby authorized to accept a leasehold interest in the real property described in Exhibit A to the Lease Agreement and the personal property described in Exhibit B to the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 4. The form and substance of the Lease Agreements, the Leaseback Agreements, the PILOT Agreements and the Environmental Compliance and Indemnification Agreements (each in substantially the forms customary to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 5.

(a) The Chairman, Vice Chairman, Secretary or any member of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Lease Agreements, the Leaseback Agreements, the PILOT Agreements and the Environmental Compliance and Indemnification Agreements, each in substantially the forms customary to the Agency with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, Secretary or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and Agency Counsel, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the "Closing Documents"). The execution thereof by the Chairman, Vice Chairman, or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, Vice Chairman, Secretary or member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Leaseback Agreements).

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Closing Documents, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent

acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Closing Documents binding upon the Agency.

Section 7. This resolution shall take effect immediately.

DRAFT



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 annexed extract of the minutes of the meeting of the City of Utica Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on September 11, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

That the Lease Agreement, the Leaseback Agreement, the PILOT Agreement and the Environmental Compliance and Indemnification Agreement contained in this transcript of proceedings are each in substantially the form approved by said meeting.

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 as of \_\_\_\_\_, 2024.

CITY OF UTICA INDUSTRIAL  
DEVELOPMENT AGENCY

By: \_\_\_\_\_  
Jack Spaeth, Assistant Secretary



September 6, 2024

City of Utica Industrial Development Agency  
1 Kennedy Plaza  
Utica, New York 13502  
Attn: Jack Spaeth, Executive Director

*Delivered by Email*

Re: Historical Park Apartments Redevelopment (the "Project")

Dear Mr. Spaeth:

As counsel to and on Behalf of HP Utica Preservation LLC (the "Company"), we hereby request that the City of Utica Industrial Development Agency execute a mortgage or any other documents reasonably required by the first mortgage lender for the Project (Fannie Mae) to subordinate and subject its anticipated leasehold interest in the Project to the lien of the first mortgage lender or any other mortgage lender for the Project.

The Company is not requesting any additional financial assistance hereby.

Sincerely,



Timmon Favaro

**Final Authorizing Resolution  
HP Utica Preservation LLC Facility**

Date: September 11, 2024

At a meeting of the City of Utica Industrial Development Agency, Utica, New York (the “Agency”), held at One Kennedy Plaza, 2<sup>nd</sup> Floor, Urban and Economic Development Conference Room, Utica, New York on September 11, 2024, the following members of the Agency were:

**Members Present:** Vincent J. Gilroy, Jr.; Steve Deery; John Zegarelli

**Members Excused:** John Buffa; Emmett Martin

**Also Present:** Jack Spaeth, Executive Director; Laura Ruberto, Bond, Schoeneck & King

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to acquisition of a leasehold interest in, renovation and equipping of a certain industrial development facility more particularly described below (HP Utica Preservation LLC Facility) and the leasing of the facility to HP Utica Preservation LLC.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

Vincent J. Gilroy, Jr. voting aye;  
Steve Deery voting aye;  
John Zegarelli voting aye;

RESOLUTION AUTHORIZING THE AGENCY TO EXECUTE  
LOAN DOCUMENTS WITH RESPECT TO THE HP UTICA  
PRESERVATION LLC FACILITY LOCATED AT 100 RUTGER  
STREET IN THE CITY OF UTICA, ONEIDA COUNTY.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 710 of the Laws of 1981 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, HP Utica Preservation LLC, on behalf of itself and/or the principals of HP Utica Preservation LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the Agency to enter into a lease-leaseback transaction in which the Agency will assist in (i) acquisition and substantial renovation of an existing 12-story, 93,250± square foot multifamily affordable housing facility with 121 units and indoor and outdoor common areas known as the Historical Park Apartments (the "Improvements") situated on a 1.83± acre parcel of land located at 100 Rutger Street in the City of Utica, Oneida County, New York (collectively, the "Land") and (ii) acquisition and installation of furniture, fixtures and equipment in the Improvements (the "Equipment"), all to be beneficially owned and operated by the Company as a multifamily affordable housing facility to enhance economic development and retain employment in downtown Utica (the Land, the Improvements and the Equipment are referred to collectively as the "Facility" and the acquisition, renovation and equipping of the Facility is referred to collectively as the "Project"); and

WHEREAS, HP Utica Housing Development Fund Corporation, a New York not-for-profit corporation (the "HDFC") is (or will be on the date of closing) the fee owner, as nominee, of the Facility and the Company is (or will be on the date of closing) beneficial owner of the Facility and will lease the Facility to the Agency pursuant to a Lease Agreement (the "Lease Agreement"); and

WHEREAS, the Facility will be leased back to the HDFC and the Company for the Company's operation pursuant to a Leaseback Agreement by and among the Agency, the HDFC and the Company (the "Leaseback Agreement") and pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 372 of the Laws of 1970 of the State of New York, as may be amended from time to time (collectively, the "Act"); and

WHEREAS, the Company, as beneficial owner, has all rights under the Nominee Agreement to accept a leasehold interest in the Facility, operate the

Facility and is compelled to perform all of the obligations under the Leaseback Agreement on behalf of the HDFC; and

WHEREAS, the Company intends to further sublease individual residential units comprising the Facility to residential tenants (each a "Residential Sublessee" and collectively the "Residential Sublessees"); and

WHEREAS, the Company intends to further sublease a 1,000± square foot portion of the Facility to a retail tenant (the "Retail Sublessee" and together with the Residential Sublessees the "Sublessees"); and

WHEREAS, KeyBank, National Association (the "Bank") intends to finance a portion of the costs of the Facility by extending a loan to the Company in the estimated principal sum of \$11,600,000.00 to be secured by a mortgage (the "Senior Mortgage") from the Company to the Bank; and

WHEREAS, the New York State Housing Finance Agency ("NYS HFA") intends to finance a portion of the costs of the Facility by extending a loan to the Company in the estimated principal sum of \$14,900,000.00 to be secured by a Subsidy Mortgage (the "HFA Mortgage") from the Company to NYS HFA; and

WHEREAS, the Agency by resolution duly adopted on August 21, 2024 (the "Final Resolution") granted final approval for financial assistance in support of the Project, and authorized the form and execution of related documents described therein; and

WHEREAS, in the Final Resolution, as an alternative to mortgaging the Agency's leasehold interest in the Facility, the Agency agreed to subordinate the Lease Agreement and the Leaseback Agreement to the liens of the Senior Mortgage and the NYS HFA Mortgage (except for Unassigned Rights as defined in the Leaseback Agreement); and

WHEREAS, in the Final Resolution, it was expressly noted that a supplemental resolution will be required in order to approve the form and execution of said documents if the Agency is requested to join in the instruments; and

WHEREAS, the Company has now requested the Agency authorize the form and execution of the Senior Mortgage, an Estoppel Certificate, and any other documents the lenders may reasonably request to evidence the subordination of the Agency's leasehold interest in the Facility to the lien of the Senior Mortgage (collectively, the "Loan Documents").

NOW, THEREFORE, BE IT RESOLVED by the City of Utica Industrial Development Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. The Agency hereby finds and determines:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a “project”, as such term is defined in the Act; and

(c) The financing of the Facility and the subordination of the Agency’s leasehold interest by entering into the Loan Documents will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of the City of Utica and the State of New York and improve their standard of living and thereby serve the public purposes of the Act, and, based upon representations made by the Company, the Facility will promote employment opportunities and prevent economic deterioration in the area served by the Agency; and

(d) The financing of the Facility and the subordination of the Agency’s leasehold interest by entering into the Loan Documents is reasonably necessary to induce the Company to maintain and expand its business operation in the State of New York; and

(e) It is desirable and in the public interest for the Agency to subordinate its leasehold interest by entering into the Loan Documents; and

(f) The SEQRA findings adopted by the Agency on August 7, 2024, encompassed the actions to be undertaken by this resolution and no changes have been made since that time to the proposed action that would create new or increased adverse environmental impacts; and

(h) The Loan Documents, in a form satisfactory to the Chairman and Agency Counsel and containing the Agency’s customary exculpatory language, will be an effective instrument whereby the Agency subordinates its leasehold interest in the Facility to the liens of the lenders (except for the Agency’s Unassigned Rights, as defined in the Leaseback Agreement).

Section 2. In consequence of the foregoing, the Agency hereby determines to: (i) subordinate its leasehold interest in the Facility (except for the

Agency's Unassigned Rights) to the lien of the lenders; and (ii) execute, deliver and perform the Loan Documents.

Section 3. The form and substance of the Loan Documents (each in substantially the forms approved by the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 4.

(a) The Chairman, Vice Chairman, Secretary or any member of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Loan Documents, in forms satisfactory to the Chairman and Agency Counsel, with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, Secretary or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and Agency Counsel, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the "Closing Documents"). The execution thereof by the Chairman, Vice Chairman, or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, Vice Chairman, Secretary or member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Leaseback Agreement).

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Closing Documents, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Closing Documents binding upon the Agency.

Section 6. This resolution is a supplement to the Final Resolution relating to the Project and 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 annexed extracts of the minutes of the meeting of the City of Utica Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on September 11, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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, (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 September \_\_, 2024.

CITY OF UTICA INDUSTRIAL  
DEVELOPMENT AGENCY

By: \_\_\_\_\_  
Jack Spaeth, Assistant Secretary