

In The Matter Of:
CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY
PUBLIC HEARING

RE: 351 DIAMOND DEVELOPMENT, LLC
December 13, 2017

COVERING ALL UPSTATE NEW YORK

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M-F Reporting, Inc.
»«

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CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY
PUBLIC HEARING
RE: 351 DIAMOND DEVELOPMENT, LLC

21 Lodge Street
Albany, New York 12207

December 13, 2017
12:00 p.m. - 12:17 p.m.

NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT
AND FINANCIAL ASSISTANCE
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by City of Albany Industrial Development Agency (the "Agency") on the 13th day of December, 2017 at 12:00 o'clock p.m., local time, at the offices of the Agency located at 21 Lodge Street in the City of Albany, Albany County, New York in connection with the following matters:

351 Diamond Development LLC, a New York limited liability company (the "Company"), has submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 10.5 acre parcel of land with an address of 351 Southern Boulevard in the City of Albany, Albany County, New York (the "Land"), together with the existing improvements containing in the aggregate approximately 50,000 square feet of space located thereon (collectively, the "Existing Facility"), (2) the reconstruction and renovation of the Existing Facility, (3) the construction on the Land of new buildings to contain in aggregate approximately 95,000 square feet of space (collectively, the "New Facility") (the Existing Facility and the New Facility hereinafter collectively the "Facility"), and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (the "Equipment") (the Land, the Existing Facility, the Facility, and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and operated as a multi-use facility including a hotel, retail strip, retail building, car wash and convenient store, and any other directly and indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

The Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Albany County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project and (3) exemption from sales taxes relating to the acquisition, construction, renovation and installation of the Project Facility. If any portion of the Financial Assistance to be granted by the Agency with respect to the Project is not consistent with the Agency's uniform tax exemption policy, the Agency will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired, constructed, reconstructed and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the "Agreement") requiring that the Company or its designee make certain payments to the Agency.

The Agency has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law (the "SEQR Act") regarding the potential environmental impact of the Project.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: Sarah Reginelli, Chief Executive Officer, City of Albany Industrial Development Agency, 21 Lodge Street, Albany, New York 12207; Telephone: 518-434-2532.

Dated: November 29, 2017.

CITY OF ALBANY INDUSTRIAL DEVELOPMENT
AGENCY

BY: s/ Sarah Reginelli

Chief Executive Officer

1 APPEARANCES:

2 IDA BOARD:

3 TRACY METZGER - Chair

4 SUSAN PEDO - Vice Chair

5 DARIUS SHAHINFAR - Treasurer

6 DOMINICK CALSOLARO - Member

7

IDA STAFF PRESENT:

8

MARK OPALKA - Chief Financial Officer

9

10 ANDREW CORCIONE - Economic Developer,
Capitalize Albany Corporation

11 MICHAEL BOHNE - Communications & Marketing Assistant

12 CHANTEL BURNASH - Executive Assistant,
Capitalize Albany Corporation

13

14 A. JOSEPH SCOTT, III, ESQ. -
Special Agency Counsel

15 WILLIAM G. KELLY, JR., ESQ. - Agency Counsel

16

17 ALSO PRESENT:

18 Kevin Parisi, TRG
Demetrio Daga, TRG

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1 MS. METZGER: We are going to move
2 forward with the public hearings. So good
3 afternoon. My name is Tracy Metzger, and I am
4 the Chair of the City of Albany Industrial
5 Development Agency in connection with a project
6 which is the subject of this public hearing.
7 Today we are holding this public hearing to
8 allow citizens to make a statement for the
9 record relating to the involvement of the
10 Agency with a project for the benefit of
11 351 Diamond Development, LLC, a New York State
12 limited liability corporation.

13 I will now make certain preliminary
14 remarks with respect to the project and then
15 start the public hearing.

16 The proposed project involves
17 351 Southern Boulevard, and consists of the
18 redevelopment of an under-utilized 10.5-acre
19 site into various retail uses. The project
20 includes plans for a hotel, gym, car wash and a
21 convenience store, amongst other uses.
22 Additionally, significant infrastructure
23 improvements will be made on the site.

1 Now, less there is any objection, I am
2 going to suggest waiving the full reading of
3 the notice of this public hearing, and instead
4 request that the full text of the notice be
5 inserted into the record.

6 I will also note the general
7 information on the Agency's general authority
8 and public purpose are contained in a separate
9 statement and will be entered into the record.

10 Before we start the public hearing, I
11 would first like to introduce the project
12 applicant and ask them to make a brief
13 presentation with respect to the proposed
14 project.

15 I see Kevin Parisi here.

16 MR. PARISI: Good afternoon. So, hi.
17 How are you, everybody? My name is Kevin
18 Parisi. I am with 351 Diamond Development, and
19 we are in front of the Planning Board right now
20 in the City of Albany and working through the
21 process of getting this project approved. It's
22 the old Howard Johnson hotel and restaurant on
23 9W at the intersection of Mount Hope Road and

1 9W, directly across the street from the Thruway
2 Authority.

3 Currently there is existing -- there's
4 about a 44,000-square-foot, the old tennis and
5 racket ball club that exists today, and then
6 there's the partially demolished, some hotel
7 that there was a fire on back over the summer.

8 What we are proposing is five separate
9 buildings, one of which exists today, that we
10 are going to do a full remodel of a partial
11 demolition and then to remodel the balance of
12 it, the building, some kind of mixed retail
13 office type project buildings up in front.
14 This is about a 17,000-square-foot strip. This
15 is a freestanding restaurant building. This
16 building is a car wash convenience store with a
17 four-story hotel in the back.

18 Included in the project, we are going
19 to be redoing that whole traffic signal that is
20 existing there today, adding full left-hand
21 signals in and out.

22 We are going to be connecting on a
23 permanent basis and actually making this a city

1 road that will connect to Mount Hope Drive and
2 that neighborhood or community back there out
3 to the traffic light.

4 We're adding two CDTA bus stops onto
5 the site, as well as some significant off-site
6 improvements to storm water, sewer and the
7 water. We are putting a new loop system in for
8 the water system, in case there is anymore
9 water main breaks in the area.

10 Our estimated time line is probably by
11 mid-2018 to be full under construction and
12 underway and hopefully complete the project by
13 the end of the year 2018. So we are here
14 excited about it and if you have any questions
15 or comments or concerns, we will address them.

16 MS. METZGER: What are you asking us
17 for?

18 MR. PARISI: Some sales tax abatement
19 for materials, as well as mortgage tax.

20 MS. METZGER: And no PILOT?

21 MR. PARISI: No, we are working with
22 the city for a 485-b. No, we are not here for
23 a PILOT.

1 MS. METZGER: Thank you. It looks
2 fantastic.

3 MR. PARISI: Thank you.

4 MS. METZGER: I can't wait to see it.

5 MR. PARISI: Us, too.

6 MS. METZGER: Yeah, I know, I know.

7 Any other questions?

8 Okay. Thanks, Kevin.

9 We are going to keep the public
10 hearing open until 12:15.

11 MR. PARISI: I will just leave those
12 up.

13 MS. METZGER: And we'll go forward
14 with the additional one, although the
15 principles aren't here yet.

16 MR. SCOTT: Let's go on the record to
17 make sure that there isn't anyone here.

18 Is there anyone here from the public
19 to comment on this project?

20 MS. METZGER: For the record?

21 MR. SCOTT: Then I agree, we'll
22 adjourn this, put this on hold and start with
23 the second one.

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(The record remains open for public comment.)

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MS. METZGER: Okay. So with respect to the public hearing of 351 Diamond Development, LLC, it is now 12:17. So if there's no further comments, I would like to now close the public hearing.

(Whereupon the above-titled matter was concluded at 12:17 p.m.)

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C E R T I F I C A T I O N

I, Deborah M. McByrne, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify that the above and foregoing is a true and correct transcript of the proceedings as mentioned in the heading hereof, to the best of my knowledge and belief.



Deborah M. McByrne

A	I	O	S																				
<p>abatement (1) 6:18 above-titled (1) 8:10 across (1) 5:1 actually (1) 5:23 adding (2) 5:20;6:4 additional (1) 7:14 Additionally (1) 3:22 address (1) 6:15 adjourn (1) 7:22 afternoon (2) 3:3;4:16 Agency (2) 3:5,10 Agency's (1) 4:7 agree (1) 7:21 Albany (2) 3:4;4:20 allow (1) 3:8 although (1) 7:14 amongst (1) 3:21 anymore (1) 6:8 applicant (1) 4:12 approved (1) 4:21 area (1) 6:9 authority (2) 4:7;5:2</p>	<p>connection (1) 3:5 consists (1) 3:17 construction (1) 6:11 contained (1) 4:8 convenience (2) 3:21; 5:16 corporation (1) 3:12 Currently (1) 5:3</p>	<p>improvements (2) 3:23;6:6 Included (1) 5:18 includes (1) 3:20 Industrial (1) 3:4 information (1) 4:7 infrastructure (1) 3:22 inserted (1) 4:5 instead (1) 4:3 intersection (1) 4:23 into (3) 3:19;4:5,9 introduce (1) 4:11 involvement (1) 3:9 involves (1) 3:16</p>	<p>objection (1) 4:1 office (1) 5:13 off-site (1) 6:5 old (2) 4:22;5:4 one (3) 5:9;7:14,23 onto (1) 6:4 open (2) 7:10;8:2 out (2) 5:21;6:2 over (1) 5:7</p>	<p>B</p>	<p>D</p> <p>demolished (1) 5:6 demolition (1) 5:11 Development (4) 3:5, 11;4:18;8:7 Diamond (3) 3:11; 4:18;8:6 directly (1) 5:1 Drive (1) 6:1</p>	<p>J</p> <p>Johnson (1) 4:22</p>	<p>P</p> <p>Parisi (8) 4:15,16,18; 6:18,21;7:3,5,11 partial (1) 5:10 partially (1) 5:6 permanent (1) 5:23 PILOT (2) 6:20,23 Planning (1) 4:19 plans (1) 3:20 pm (1) 8:11 preliminary (1) 3:13 presentation (1) 4:13 principles (1) 7:15 probably (1) 6:10 process (1) 4:21 project (12) 3:5,10,14, 16,19;4:11,14,21; 5:13,18;6:12;7:19 proposed (2) 3:16; 4:13 proposing (1) 5:8 public (12) 3:2,6,7,15; 4:3,8,10;7:9,18;8:2,6, 9 purpose (1) 4:8 put (1) 7:22 putting (1) 6:7</p>	<p>C</p> <p>back (3) 5:7,17;6:2 balance (1) 5:11 ball (1) 5:5 basis (1) 5:23 benefit (1) 3:10 Board (1) 4:19 Boulevard (1) 3:17 breaks (1) 6:9 brief (1) 4:12 building (3) 5:12,15, 16 buildings (2) 5:9,13 bus (1) 6:4</p>	<p>E</p> <p>end (1) 6:13 entered (1) 4:9 estimated (1) 6:10 everybody (1) 4:17 excited (1) 6:14 existing (2) 5:3,20 exists (2) 5:5,9</p>	<p>K</p> <p>keep (1) 7:9 Kevin (3) 4:15,17;7:8 kind (1) 5:12</p>	<p>R</p> <p>racket (1) 5:5 reading (1) 4:2 record (6) 3:9;4:5,9; 7:16,20;8:2 redevelopment (1) 3:18 redoing (1) 5:19 relating (1) 3:9 remains (1) 8:2 remarks (1) 3:14 remodel (2) 5:10,11 request (1) 4:4 respect (3) 3:14;4:13; 8:5 restaurant (2) 4:22; 5:15 retail (2) 3:19;5:12 right (1) 4:19 Road (2) 4:23;6:1</p>	<p>D</p>	<p>F</p> <p>fantastic (1) 7:2 fire (1) 5:7 first (1) 4:11 five (1) 5:8 forward (2) 3:2;7:13 four-story (1) 5:17 freestanding (1) 5:15 front (2) 4:19;5:13 full (5) 4:2,4;5:10,20; 6:11 further (1) 8:8</p>	<p>L</p> <p>leave (1) 7:11 left-hand (1) 5:20 less (1) 4:1 liability (1) 3:12 light (1) 6:3 limited (1) 3:12 line (1) 6:10 LLC (2) 3:11;8:7 looks (1) 7:1 loop (1) 6:7</p>	<p>U</p> <p>under (1) 6:11 under-utilized (1) 3:18 underway (1) 6:12 up (2) 5:13;7:12 uses (2) 3:19,21</p>	<p>E</p> <p>car (2) 3:20;5:16 case (1) 6:8 CDTA (1) 6:4 certain (1) 3:13 Chair (1) 3:4 citizens (1) 3:8 City (4) 3:4;4:20; 5:23;6:22 close (1) 8:9 club (1) 5:5 comment (2) 7:19;8:3 comments (2) 6:15; 8:8 community (1) 6:2 complete (1) 6:12 concerns (1) 6:15 concluded (1) 8:11 connect (1) 6:1 connecting (1) 5:22</p>	<p>G</p> <p>general (2) 4:6,7 good (2) 3:2;4:16 gym (1) 3:20</p>	<p>M</p> <p>main (1) 6:9 making (1) 5:23 materials (1) 6:19 matter (1) 8:10 METZGER (10) 3:1, 3;6:16,20;7:1,4,6,13, 20;8:5 mid-2018 (1) 6:11 mixed (1) 5:12 mortgage (1) 6:19 Mount (2) 4:23;6:1 move (1) 3:1</p>	<p>V</p> <p>various (1) 3:19</p>	<p>F</p>	<p>H</p> <p>hearing (8) 3:6,7,15; 4:3,10;7:10;8:6,9 hearings (1) 3:2 hi (1) 4:16 hold (1) 7:22 holding (1) 3:7 Hope (2) 4:23;6:1 hopefully (1) 6:12 hotel (4) 3:20;4:22; 5:6,17 Howard (1) 4:22</p>	<p>N</p> <p>name (2) 3:3;4:17 neighborhood (1) 6:2 New (2) 3:11;6:7 note (1) 4:6 notice (2) 4:3,4</p>	<p>W</p> <p>wait (1) 7:4 waiving (1) 4:2 wash (2) 3:20;5:16 water (4) 6:6,7,8,9 Whereupon (1) 8:10 whole (1) 5:19</p>
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