

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

*RE: THE SWINBURNE BUILDING LLC
October 10, 2018*

COVERING ALL UPSTATE NEW YORK

»«
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CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY
PUBLIC MEETING
RE: THE SWINBURNE BUILDING LLC

October 10, 2018
21 Lodge Street
Albany, New York 12207
12:00 p.m. - 12:15 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 the City of Albany Industrial Development Agency (the "Agency") on the 10th day of October, 2018 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:

The Swinburne Building LLC, a New York State 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 four (4) parcels of land containing in the aggregate approximately 3.50 acres located at 526 Central Avenue (tax map number 65.37-3-53), 445 Manning Boulevard (tax map number 65.37-3-47), 524 Central Avenue (tax map number 65.37-3-54) and 526 Central Avenue Rear (tax map number 65.37-3-55.1) in the City of Albany, Albany County, New York (collectively, the "Land"), (2) the construction on the Land of one approximately 108,400 square foot 5 story building (the "Facility"), and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (the "Equipment") (the Land, the Facility, and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to constitute a mixed-use facility comprised of approximately seventy-four (74) unit residential apartments and approximately 21,400 square feet of leasable commercial space 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 property 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, (3) exemption from sales taxes relating to the acquisition, construction, renovation and installation of the Project Facility, and (4) in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Agency therewith, exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to 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: September 25, 2018.

CITY OF ALBANY INDUSTRIAL DEVELOPMENT
AGENCY

BY: s/ Sarah Reginelli
Sarah Reginelli, Chief Executive Officer

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A P P E A R A N C E S

IDA STAFF:

- Tracy Metzger, Chairwoman
- Darius Shahinfar, Treasurer
- Lee Eck, Member
- Mark Opalka, CFO
- Dominick Calsolaro, Member
- Robert Schofield, Member
- Jahkeen Hoke, Member
- Joe Landy, Member
- Andy Corcione, Member
- A. Joseph Scott, III, Esq., Bond Counsel
- William Kelly, Esq., Agency Counsel
- Mike Bohne, Member
- Genevieve Zurvowski, Executive Assistant

ALSO PRESENT:

- Larry Regan, Regan Development Corp.
- Spencer B. Jones, Dunn Homes
- Debra J. Lambek, Esq.

City of Albany Industrial Development Agency/Capital Resource Corporation
PUBLIC HEARING – The Swinburne Building, LLC

Date: October 10, 2018

SIGN-IN

Name	Affiliation/Organization	Are you going to speak? Y/N
1. Spencer B Jones	Barn Housers	N
2. Larry PEGAN	Pegan Development Corp	Y
3. Debra Lumber	Law Firm Debra J Lumber.	N.
4.		
5.		
6.		
7.		
8.		
9.		
10.		

1 MS. METZGER: My name is Tracey
2 Metzger, and I am the Chair of the City of
3 Albany Industrial Development Agency in
4 connection with the project which is the
5 subject of this public hearing.

6 Today we are holding this public
7 hearing to allow citizens to make a
8 statement, for the record, relating to the
9 involvement of the Agency about the project
10 for the benefit of The Swinburne Building,
11 LLC, a New York State limited liability
12 corporation.

13 I will now ask Joe Scott, Special
14 Counsel to the Agency, to make certain
15 preliminary remarks with respect to the
16 project and to then start the public hearing.

17 Joe.

18 MS. SCOTT: Good afternoon. Thank you.
19 The project involves the new construction of
20 a mixed-use building located at 526 Central
21 Avenue in Albany. The building will be an
22 approximately 108,400-square-foot, five-story
23 building. The project will provide 21,400
24 square feet of leasable commercial space on
25 the first two stories of the building, and

1 will also contain 74 affordable housing
2 units.

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

8 There's no objections. I'll move
9 forward.

10 I will also note that general
11 information on the Agency's general authority
12 and public purpose are contained in a
13 separate statement and it will be entered
14 into the record.

15 Before we start the public hearing, I
16 would first like to introduce the project
17 applicant and ask him to make a brief
18 presentation with respect to the proposed
19 project.

20 MR. REAGAN: Good afternoon, everybody,
21 and thank you for having us and considering
22 our proposal and request today.

23 My name is Larry Reagan. I'm the
24 president of Reagan Development Corporation.

25 I'd like to give you a very brief

1 overview of the project and what the project
2 purpose is, which is just as important as
3 what we're building.

4 This project was developed, born and
5 forged with community consensus throughout
6 all parties in Albany. The project started
7 as division of our partner, Equinox, as a
8 local stakeholder on Central Avenue. They
9 partnered as well with Whitney Young, and
10 their vision was to design and build a
11 multipurpose mixed use residential and
12 commercial building with affordable
13 apartments above a primary healthcare
14 facility for Whitney Young to operate, as
15 well as additional office space for Equinox
16 to use.

17 They sought us out in an RFP process.
18 As for profit developer, they interviewed
19 many for profit and not for profit affordable
20 housing developers, mixed use housing
21 developers.

22 We won an RFP with Equinox and we
23 partnered with them to do the development.
24 The development and the consensus I'm
25 discussing carries forth -- as we started

1 off, before we even put a pen to paper and
2 designed the building, we met with the mayor
3 and the planning staff. We were able to work
4 with the planning staff and Chris's
5 professionals in the planning department to
6 use the new green zoning code to design a
7 building on Central Avenue that met all of
8 the bells and whistles and requirements of
9 the new zoning codes, so that when we finally
10 made the planning board application we didn't
11 have to ask for any variances.

12 We got the blessings of the mayor, and
13 the mayor suggested we reach out to the
14 Central Avenue Business District Board to
15 brief them, and we went through a consensus
16 process with them, going through three or
17 four meetings with them, and once we got
18 their blessing, we went on to the community.
19 We met with the community members and
20 Councilman Alfredo Belarin to get their
21 blessing, and then, and only then, did we put
22 in our applications to the planning board.
23 We came before your body twice for
24 informational purposes only to brief your
25 body so that everybody knew what was coming.

1 This is an organic grassroots process
2 that we put something together. We're proud
3 of what we're here to propose today, and we'd
4 ask for your support to help strengthen and
5 rebuild and grow the Central Avenue business
6 district area with both residents that could
7 shop, live and work in the area as well as
8 the primary care facility that Whitney Young
9 is going to operate because there's no
10 primary care facilities available to
11 affordable clients until when you get way out
12 near the city's exterior border.

13 So with that, I'm here for any
14 questions, but we're pleased to be here
15 today, and just to let everybody know our
16 timeline, we're due to close on all of our
17 financing in December with the Housing
18 Finance Agency, with our construction
19 lenders, as well as with our tax credit
20 investors. Everybody is on board, so this is
21 the last official action that has to take
22 place before our closing in December.

23 And thank you all very much.

24 MS. METZGER: Thank you.

25 MR. SCOTT: Thank you for your

1 comments.

2 I will now open this public hearing at
3 12:07.

4 By way of operating rules, if you wish
5 to make a public comment, please sign-in on
6 the appropriate sign-in sheet. I will then
7 call on individuals listed in order. Please
8 wait to be recognized, then stand and state
9 your name, address, and affiliation. Please
10 speak your comments to five minutes so that
11 all present may have a chance to comment for
12 the record.

13 A record of this public hearing will be
14 prepared and reviewed by the members of the
15 Agency in connection with consideration of
16 the proposed project. A copy of the record
17 of this public hearing will be presented to
18 the mayor of the City of Albany.

19 Again, the purpose of this public
20 hearing is not to field questions, but to
21 solicit public comment.

22 I will now refer to the sign-in sheet
23 to identify those who wish to comment on
24 either the nature and location of the project
25 facility or the proposed financial assistance

1 being contemplated.

2 Mr. Reagan, you already spoke.

3 I'm not seeing any other members of the
4 public here.

5 We'll hold the public hearing in
6 abeyance until 12:15, and then we'll close
7 the public hearing.

8 (Brief recess.)

9 MR. SCOTT: So we'll reconvene.

10 We'll restart the public hearing. I
11 don't see anyone else from the public in
12 attendance. No one else has signed up.

13 So moving forward, the notice of this
14 public hearing indicated that written
15 comments could be addressed to the Agency.
16 No written comments have been received by the
17 Agency prior to this public hearing.

18 So if there are no further comments,
19 I'll now close this public hearing at 12:15.

20 Thank you and have a nice day,
21 everyone.

22
23 (Whereupon the above-titled matter
24 was concluded at 12:15 p.m.)

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

I, JOSEPH A. ADAMKIEWICZ, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the witness whose testimony is
hereinbefore set forth was duly sworn by me;
and

THAT the within transcript is a true record
of the testimony given by said witness. I
further certify that I am not related, either
by blood or marriage, to any of the parties to
this action; and

THAT I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this _____day of
_____, 2018.

Joseph A. Adamkiewicz

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