

**RESOLUTION CONFIRMING SEQR DETERMINATION
191 NORTH PEARL LLC PROJECT**

A regular meeting of City of Albany Industrial Development Agency (the “Agency”) was convened in public session at the office of the Agency located at 21 Lodge Street in the City of Albany, Albany County, New York on August 19, 2021 at 12:15 p.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Tracy L. Metzger	Chair
Susan Pedo	Vice Chair
Lee E. Eck, Jr.	Secretary
Hon. Darius Shahinfar	Treasurer
Anthony Gaddy	Member
Robert T. Schofield, Esq.	Member
L. Lloyd Stewart	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Sarah Reginelli	Chief Executive Officer
Mark Opalka	Chief Financial Officer
Thomas Conoscenti	Chief Operating Officer
Andrew Corcione	Project Services Director
Ashley Mohl	Director of Economic Development, Capitalize Albany Corporation
Renee McFarlin	Senior Economic Developer, Capitalize Albany Corporation
Michael Bohne	Communications and Marketing Manager, Capitalize Albany Corporation
Nora Culhane	Economic Development Specialist, Capitalize Albany Corporation
Erin Grace	Executive Assistant, Capitalize Albany Corporation
Marisa Franchini, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0821-__

**RESOLUTION CONCURRING IN THE DETERMINATION BY THE CITY OF
ALBANY PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL
REVIEW OF THE 191 NORTH PEARL LLC PROPOSED PROJECT.**

WHEREAS, City of Albany Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article

18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 325 of the 1974 Laws of New York, as amended, constituting Section 903-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “ projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, 191 North Pearl LLC, a New York State limited liability company (the “Company”), 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 an approximately 0.04 acre parcel of land located at 191 North Pearl Street (Tax Map number: 65.82-6-30) in the City of Albany, Albany County, New York (the “Land”), (2) the construction on the Land of an approximately 26,000 square foot building (the “Facility”) and (3) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”); all of the foregoing to be owned and operated by the Company as an approximately 18 unit residential apartment complex to include off-site parking spaces 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 property 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; and

WHEREAS, by resolution adopted by the members of the Agency on July 22, 2021 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on July 29, 2021 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on July 28, 2021 at Albany City Hall located at 24 Eagle Street in the City of Albany, Albany County, New York and on the Agency’s website , (C) caused notice of the Public Hearing to be published on July 31, 2021 in the Times Union, a newspaper of general circulation available to the residents of the City of Albany, Albany County, New York, (D) conducted the Public Hearing on August 11, 2021 at 12:00 o’clock p.m., local time at 21 Lodge Street in the City of Albany, Albany County, New York, and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; 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 (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), the Agency has been informed that (1) the City of Albany Planning Board (the “Planning Board”) was designated to act as “lead agency” with respect to the Project, and (2) the Planning Board issued a Determination of Non Significance on August 18, 2016 (the “Negative Declaration”), attached hereto as Exhibit A, determining that the acquisition, reconstruction, renovation and installation of the Project Facility will not have a “significant effect on the environment” as updated per the attached Technical Memorandum dated July 2, 2021 issued by the Planning Board (the “Technical Memorandum”); and

WHEREAS, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and the Technical Memorandum and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the Application and the Negative Declaration and the Technical Memorandum (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as “lead agency” with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to the SEQRA and, therefore, that environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the “lead agency” with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Negative Declaration.

Section 4. This Resolution shall take effect immediately.

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

Tracy L. Metzger	VOTING	_____
Susan Pedo	VOTING	_____
Lee E. Eck, Jr.	VOTING	_____
Hon. Darius Shahinfar	VOTING	_____
Anthony Gaddy	VOTING	_____
Robert T. Schofield, Esq.	VOTING	_____
L. Lloyd Stewart	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF ALBANY)

I, the undersigned (Assistant) Secretary of City of Albany Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 19, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this _____ day of August, 2021.

(Assistant) Secretary

(SEAL)

EXHIBIT A
NEGATIVE DECLARATION
-SEE ATTACHED-

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Albany Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: The Wilson

Name of Lead Agency: City of Albany Planning Board

Name of Responsible Officer in Lead Agency: Albert R. DeSalvo

Title of Responsible Officer: Chair

Signature of Responsible Officer in Lead Agency: Albert R. DeSalvo Date: 8/18/16

Signature of Preparer (if different from Responsible Officer) [Signature] Date: 8/22/16

For Further Information:
Contact Person: Bradley Glass, Principal Planner
Address: Department of Planning and Development, 200 Henry Johnson Boulevard, Albany, NY 12210
Telephone Number: (518) 445-0754
E-mail: bglass@albanyny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:
Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

TECHNICAL MEMORANDUM

191 North Pearl Street

Applicant : 191 North Pearl Street LLC

A. INTRODUCTION

At the August 18, 2016 meeting of the City of Albany Planning Board, as lead agency after review of the FEAF, made a SEQRA determination that “the project was not significant and would not need further analysis in an EIS”. Also at the same meeting, the major development plan was approved. That the time the project description was as follows:

The Applicant intends to construct a building with 3 levels of apartment totaling eighteen (18) apartments over a level of parking for 15 cars. The building will vary in height along North Pearl Street from 38+/- feet to 40+/- feet.

After the initial approval by the Planning Board, the Applicant sought two extensions for the major development plan and major certificate of appropriateness, receiving one from the Chief Planning Official for the City of Albany on July 26, 2017 and abandoned a request to the Historic Resources Commission and Planning Board in 2018. Since the Applicant was only eligible to request two extensions and they both expired, the Applicant had to resubmit the application.

Based on the cost estimates for the proposed ground floor parking in relationship to the number of proposed residential units, the previously design was determined by the Applicant to be financially infeasible and made minor modifications to the site plan to create a financially feasible project. While the Applicant proposed a modified second iteration, the LLC was purchased by another buyer and the proposed project reverted a more similar design to what was approved by the Planning Board on August 18, 2016.

This Technical Memorandum describes the proposed modification the Project Description and assesses whether the Project as currently envisioned would result in any new or different significant adverse environmental impacts not previously identified in the FEAF.

B. REVISED PROJECT DESCRIPTION

On April 27, 2021, the Applicant submitted a revised application that proposed the construction of a +/- 25,968 square foot, four-story multi-family building with 18 dwelling units and an internal parking garage with 13 automobile parking spaces. The following section describes key modifications to the Project, along with a table identifying changes from the original and current FEAF Part One Form.

Lot Coverage

The original application proposed an impervious lot coverage of 0.17 acres (80.9%), with the remaining 0.4 acres (19.1%) used for lawns and landscaped areas. The current application proposes an impervious lot coverage of 0.16 acres (77.9%), with the remaining 0.05 acres (23.1%) used for lawns or landscaped areas. Based on the proposed reduction of impervious lot coverage from the prior iteration of the project, the proposed change would not result in a significant negative environmental impact.

Building Area Footprint

The original application proposed a +/-28,796 square foot building whose footprint occupied the majority of the frontages along North Pearl Street and Wilson Street. The updated footprint proposes a +/-25,968 square foot building whose footprint occupies the majority of the North Pearl Street and Wilson Street frontages.

The original building design had front setbacks ranging from 0 to 3.5 feet and the updated design has retain similar front setbacks ranging from 0 to 3.3 feet.

The original application proposed a side setback of 7.44 feet with 199 North Pearl Street and a 7.47- to 8.52-foot side setback with 5 Wilson Street. The updated application has increased the proposed side setback with 199 North Pearl Street to 10.54 feet (Increase of 3.14 feet) and increased the side setback with 5 Wilson Street to 11.95 to 15.29 feet (Increase of 4.48 to 6.77 feet).

Based on these minimal changes, the proposed modification in the building footprint will not result in a significant negative environmental impact.

Building Height

The original proposed height of the building was 40 feet. The new proposed building height is 44 feet. The increased height by four feet is contextual with other building that front North Pearl Street that are also 44 feet in height. Given that the height of the building is contextual and would not be out of character for properties within the historic district, the proposed change in height would not result in a significant negative environmental impact.

Location and Amount of On-Site Parking

The number of automobile parking garage spaces has remained similar from the original proposal (18) to the current proposal (15). Based on the reduction of the proposed number of parking spaces, anticipated reduction in daily traffic, and ample access to public transportation, bicycle, and pedestrian facilities, the proposed decrease in parking will not result in any significant negative environmental impacts.

Number of Dwelling Units

The original number of proposed dwelling units was 18 (15 one-bedroom units and 3 two-bedroom units) and the current proposal still proposes 18 units with 9 one-bedroom units and 9 two-bedroom units. The proposed change in unit mix , the anticipated water usage and generated liquid waste has decreased from 2,970 gallons/day to 2,700 gallons/day and has reduced the number of required parking spaces/anticipated traffic volumes, as mentioned above. Based on these factors, the proposed change will not result in any significant negative environmental impacts.

C. DESCRIPTION OF CHANGES IN FINDINGS MADE ON AUGUST 18, 2016

In Part 3 of the FEAF, the City of Albany Planning Board concluded that the proposed action would not result in any significant adverse impacts on the environment. Based on the changes proposed in the updated April 27, 2021 application, the finding is still correctly made that no significant impact will be created by the Project.

Prepared by Zach Powell on July 2, 2021


