In The Matter Of:

IDA - City of Albany

21 Erie Assoc., LLC October 13, 2021

COVERING ALL UPSTATE NEW YORK



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    CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY
 3
         PUBLIC HEARING
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        RE: 21 Erie Assoc., LLC
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    DATE
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    12:06 p.m. - 12:15 p.m.
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    Industrial Development Agency
    21 Lodge Street
    Albany, New York 12207
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    Reported By:
    MICHEL DANTICO McCLANAHAN, Court Reporter
    Notary Public
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    M-F REPORTING, INC.
    Albany Office
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    Phone - 518-578-7220
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DRAFT FOR DISCUSSION PURPOSES ONLY DATED: SEPTEMBER 28, 2021

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

Notice is hereby given that a public hearing (the "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 13th day of October, 2021 at 12:00 o'clock p.m. noon, 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:

21 Erie Assoc., 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 two (2) parcels of land aggregating approximately 9 acres located at 19 Erie Boulevard (Tax Map number: 65.16-5-4.1) and 21 Erie Boulevard (Tax Map number: 65.16-5-4.2) in the City of Albany, Albany County, New York (collectively, the "Land"), together with an approximately 225,000 square foot building located thereon (the "Facility"), (2) the reconstruction, renovation and site improvements of 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 275 unit residential apartment complex to include approximately 45,000 square feet of 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 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.

Minutes of the Public Hearing will be transcribed and posted on the Agency's website (www.albanyida.com). Additional information can be obtained from, and written comments are encouraged and 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 and electronically at info@albanyida.com.

Dated: September, 2021.	
	CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY
	BY:Sarah Reginelli, Chief Executive Officer

APPEARANCES:
Susan Pedo - Chair Lee E. Eck, Jr Secretary
Hon. Darius Shahinfar - Treasurer Sarah Reginelli - CEO
Mark Opalka - CFO Thomas Conoscenti - COO
Ashley Mohl - Director of Economic Development Andrew Corcione - Project Services Director
Renee McFarlin - Senior Economic Developer Michael Bohne - Marketing and Communications Manager
Erin Grace - Executive Assistant
A. Joseph Scott, III, Esquire - Special Agency Counsel
Bill Hoblock Paul Augello
Joe Perniciaro Jake Lamme
Marisa Franchini
ALSO PRESENT
Jeff Buell, Redburn Development

1	(Thereupon, the following proceedings were had):
2	CHAIR PEDO: My name is still Susan Pedo,
3	and I am Chair of the City of Albany
4	Industrial Development Agency, which is
5	connected with the project which is the
6	subject of the public hearing.
7	So today we're holding this public
8	hearing to allow citizens to make a statement
9	for the record relating to the involvement of
10	the Agency with a project for the benefit of
11	21 Erie Assoc., LLC, a New York State limited
12	liability corporation.
13	I will again ask Tom Conoscenti, Public
14	Hearing Officer for the Agency, to make
15	certain preliminary remarks with respect to
16	the project, and then to start the public
17	hearing.
18	Tom.
19	MR. CONOSCENTI: Thank you, Chair.
20	Good afternoon.
21	The project involves the historic
22	renovation and conversion of an approximately
23	225,000 square foot warehouse on Erie
24	Boulevard into approximately 275 market rate
25	apartments and approximately 45,000 square

1	feet of commercial retail space.
2	The project also intends to utilize
3	historic tax credits.
4	Copies of the notice of this public
5	hearing are available on our website at
6	www.AlbanyIDA.com and available upon request.
7	Now, unless there's any objection, I'm
8	going to suggest waiving the full reading of
9	the notice of this public hearing and instead
10	request that the full text of the notice be
11	inserted into the record.
12	I will also note that general information
13	on the Agency's general authority and public
14	purpose are contained in a separate statement,
15	and it will be entered into the record.
16	Before we start the public hearing, I
17	would first like to introduce the project
18	applicant and ask them to make a brief
19	presentation with respect to the project.
20	MR. BUELL: Good afternoon.
21	Can you hear me?
22	MR. CONOSCENTI: Yes.
23	CHAIR PEDO: We can.
24	MR. BUELL: I am driving, so I'm aware
25	I'm being (inaudible) my phone in a hole.

1	Welcome to 21, where we do public
2	hearings from cars.
3	So this is a great project for Redburn
4	Development. And at this time we are
5	anticipating
6	COURT REPORTER: Excuse me.
7	MR. BUELL: creating 275
8	COURT REPORTER: Excuse me. This is the
9	court reporter.
10	MR. BUELL: market rate apartments
11	COURT REPORTER: I'm unable to hear you.
12	Sir, I'm sorry. This is the court reporter.
13	I'm unable to hear you clearly.
14	CHAIR PEDO: Jeff, if you could speak
15	just a little more slowly she might be able to
16	pick it up.
17	It the connection is a little it's
18	breaking up a little bit, but if you could
19	just speak slowly.
20	Jeff, can you hear us?
21	MR. BUELL: I can now, yeah. You went
22	away for a minute.
23	CHAIR PEDO: Okay. So we've got a little
24	bit of a connection issues, but if you could
25	speak slowly I think the court reporter may be

1	able to hear you a little bit.
2	MR. BUELL: I pulled over, so that should
3	work.
4	CHAIR PEDO: Thank you.
5	MR. BUELL: So this project is
6	anticipated to take approximately two years to
7	complete. It will be 275 market rate
8	apartments and 45,000ish square feet of
9	commercial space.
10	We intend to use the 45A tax payment
11	program, so we will not be seeking a pilot or
12	request for assistance from you as far as the
13	sales tax exemption and the mortgage recording
14	tax exemption.
15	We anticipate closing at the end of this
16	fiscal year and beginning construction right
17	away in January.
18	CHAIR PEDO: Thank you.
19	MR. CONOSCENTI: Thank you.
20	CHAIR PEDO: Did the court reporter get
21	all of that? Are you good?
22	MR. CONOSCENTI: I see a thumbs up.
23	CHAIR PEDO: Thank you.
24	MR. CONOSCENTI: Great.
25	I will now open this public hearing. The

1 time now is 12:09 p.m. Per the notice of this 2 public hearing, the public was encouraged to submit written comments prior to today's 3 hearing. I will note that for the record 4 5 there were no written comments received prior to today's hearing. 6 7 A record of this public hearing will be 8 prepared and reviewed by members of the Agency in connection with consideration of the 9 proposed project. A copy of the record of 10 11 this public hearing will be presented to the 12 Mayor of the City of Albany and members of the 13 Agency. 14 At this time I would like to ask if 15 there's anyone here who wishes to speak on the 16 proposed project to comment on either the nature and location of the project facility or 17 the proposed financial assistance being 18 contemplated. 19 20 2.1 (No response.) 22 23 MR. CONOSCENTI: Paused and seeing none, 24 we will pause the transcription of this public 25 hearing until approximately 15 minutes has

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1
        passed from the time the hearing was
2
        scheduled.
              I am going to turn it back to the Chair.
3
4
              CHAIR PEDO:
                           Thanks, Tom. And thank you,
        Jeff.
5
6
7
              (Record remains open for public comment.)
8
9
                               The time now is 12:15.
              MR. CONOSCENTI:
        I'm going to ask one more time if there's
10
11
        anyone here that wishes to speak on any of the
12
        three items today we're holding public
        hearings for?
13
14
15
                           (No response.)
16
17
              MR. CONOSCENTI:
                                Seeing none, I will now
18
        close all three public hearings at 12:15.
19
              (Thereupon, the hearing was concluded at 12:15
20
    p.m.)
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1	REPORTER CERTIFICATION
2	STATE OF NEW YORK:
3	COUNTY OF KINGS:
4	I, MICHEL DANTICO McCLANAHAN, Court Reporter
5	and Notary Public, hereby certify that the proceedings within was taken before me at the time and place herein
6	set forth; that any witnesses in the foregoing proceedings prior to testifying were duly sworn by a
7	Notary Public qualified in the State of New York; that a record of the proceedings was made by me using machine
8	shorthand, which was thereafter transcribed under my direction and supervision; that the foregoing transcript
9	is a true and correct record of the testimony given.
10	Further, that if the foregoing pertains to the original transcript of a deposition in a federal
11	case, before completion of the proceedings, review of the transcript [] was, [] was not requested.
12	I further certify I am neither financially
13	interested in the action nor a relative or employee of any attorney or party to this action.
14	Dated:
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20	MICHEL DANTICO McCLANAHAN, CR
21	Notary Public - State of Florida
22	Commission No. HH 069326
23	Expires: December 19, 2023
24	
25	

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