

**RESOLUTION CONFIRMING SEQR DETERMINATION  
324 STATE STREET LLC PROJECT**

A regular meeting of City of Albany Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 21 Lodge Street in the City of Albany, Albany County, New York on September 21, 2023 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:**

Elizabeth Staubach	Chair
Lee E. Eck, Jr.	Vice Chair
Joseph Better	Member
Christopher Betts	Member
John F. Maxwell	Member

**ABSENT:**

Darius Shahinfar	Treasurer
Anthony Gaddy	Secretary

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Sarah Reginelli	Chief Executive Officer
Andrew Corcione	Project Services Director
Renee McFarlin	Senior Economic Developer, Capitalize Albany Corporation
Michael Bohne	Communications & Marketing Manager, Capitalize Albany Corporation
Emma Fullem	Program Assistant, Capitalize Albany Corporation
Amy Horwitz	Executive Assistant, Capitalize Albany Corporation
Marisa Franchini, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel

The following resolution was offered by Joseph Better, seconded by John F. Maxwell, to wit:

Resolution No. 0923-\_\_\_\_\_

**RESOLUTION CONCURRING IN THE DETERMINATION BY THE CITY OF  
ALBANY PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL  
REVIEW OF THE 324 STATE STREET LLC PROPOSED PROJECT.**

WHEREAS, 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 industrial, manufacturing, warehousing, commercial, research and recreation 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, reconstruct and install one or more “ projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, 324 State Street 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, requesting 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 0.33 acre parcel of land located at 324 State Street (tax map no.: 76.24-1-35) in the City of Albany, Albany County, New York (the “Land”) together with the existing approximately 40,000 square foot building located thereon (the “Facility”), (2) the renovation and reconstruction of the Facility and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible 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 29 unit multifamily residential housing facility; (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; and

WHEREAS, by resolution adopted by the members of the Agency on August 17, 2023 (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 August 21, 2023 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 August 28, 2023 on a public bulletin board located at the Albany City Hall located at 24 Eagle Street in the City of Albany, Albany County, New York as well as on the Agency’s website, (C) caused notice of the Public Hearing to be published on August 28, 2023 in the Albany Times Union, a newspaper of general circulation available to the residents of the City of Albany, New York, (D) conducted the Public Hearing on September 13, 2023 at 12:15 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, (E) prepared a report of the Public Hearing (the “Public Hearing Report”) which fairly summarized 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 (F) caused a copy of the certified Public Hearing Resolution to be sent via certified mail return receipt requested on August 17, 2023 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 to comply with the requirements of Section 859-a of the Act; 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 1, 2023 (the "Negative Declaration"), attached hereto as Exhibit A, determining that the acquisition, renovation, reconstruction and installation of the Project Facility constitutes a "Type II action" under SEQRA (as such quoted term is defined in the Regulations); 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 to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the acquisition, renovation, reconstruction and installation of the Project Facility constitutes a "Type II action" under SEQRA (as such quoted term is defined in the Regulations) 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 (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 acquisition, renovation, reconstruction and installation of the Project Facility constitutes a "Type II action" under SEQRA (as such quoted term is defined in the Regulations).

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:

Elizabeth Staubach	VOTING	YES
Lee E. Eck, Jr.	VOTING	YES
Darius Shahinfar	VOTING	ABSENT
Anthony Gaddy	VOTING	ABSENT
Joseph Better	VOTING	YES
Christopher Betts	VOTING	YES
John F. Maxwell	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

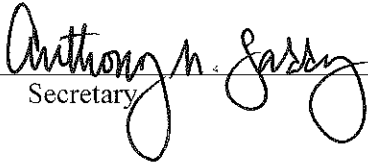
STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF ALBANY         )

I, the undersigned 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 September 21, 2023 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.

27<sup>th</sup> IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this day of September, 2023.

  
Secretary

(SEAL)

EXHIBIT A  
NEGATIVE DECLARATION



NOTIFICATION OF LOCAL ACTION  
DECISION OF THE PLANNING BOARD

RECEIVED  
2023 AUG 15 PM 5:18  
OFFICE OF THE CITY CLERK  
ALBANY, N.Y.

PROJECT NUMBER: P00532  
CASE NUMBER(S): DPR #0174  
  
ADDRESS: 324 State Street  
TAX ID #: 76.24-1-35  
ZONING DISTRICT: R-T (Residential Townhouse)  
OVERLAY DISTRICTS: Historic Resource Overlay (HR-O); Combined Sewer Overlay (CS-O)  
TOTAL ACREAGE: .33 Acres (14,299 Square Feet)  
  
REQUEST: Major Development Plan Review - §375-505(3)(a)(i)F  
  
PROJECT DESCRIPTION: Conversion of a 40,740± square foot building at the premises to a multi-unit dwelling with 29 dwelling units.  
  
PROJECT APPLICANT: 324 State Street, LLC  
363 Ontario St  
Albany, NY 12208  
  
DATE OF DECISION: August 1, 2023  
  
DECISION: **APPROVED WITH CONDITIONS**

**CONDITIONS:**

1. Trash shall be contained in the interior trash room shown on the floor plans at all times. A private hauler shall be responsible for removing the trash and returning the bins to the trash room. No refuse or recycling shall be stored outside the building except for scheduled pickup. Frequency of pickup shall be no less than twice a week.
2. Prior to the issuance of the Building Permit, the site plans shall be updated to include details for the screening of roof-mounted mechanical equipment, per §375-406(8)(b) of the USDO.
3. Prior to the issuance of the Building Permit, a Right-of-Way application, as required by Department of General Services, shall be submitted, and approved.
4. Prior to the issuance of the Building Permit, Street Opening Permits, as required by Department of General Services, shall be submitted, and approved.

5. Prior to the issuance of the Building Permit, the Maintenance & Protection of Traffic Plan shall be submitted to the Division of Traffic Engineering Unit for approval.
6. The applicant shall enter into the Universal Access Agreement with the Capital District Transportation Authority (CDTA) for the residents of 324 State Street.

**FACTS:**

1. Application documents and supplemental filings of the applicant as of the date of this decision, as evidenced in the digital record for Project #00532
2. All plans, renderings, analyses and reports received as of the date of this decision, as evidenced in the digital record for Project #00532
3. All written correspondence received as of the date of this decision, as evidenced in the digital record for Project #00532

**FINDINGS:**

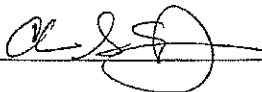
Based upon review of the complete record for DPR #0174, the Planning Board finds that the proposed development:

1. Will not create significant adverse impacts on the surrounding neighborhood, or any significant adverse impacts will be limited to a short period of time;
2. Will not create risks to public health or safety;
3. Is consistent with the Comprehensive Plan;
4. Is consistent with any provisions of this Unified Sustainable Development Ordinance and the Albany City Code; and
5. Is not subject to any requirements or conditions of any prior development permits or approvals related to the property.
6. Is a Type II action under SEQRA pursuant to 6CRR-NY 617.5(c)(18).

**VOTE:**

Approval:	3	Ellis:	Y
Against:	0	Galliard:	Y
Abstain:	0	Hull:	Y

I, Christopher Ellis Jr. representing the Planning Board of the City of Albany, hereby certify that the foregoing is a true copy of a decision of the Planning Board made at a meeting thereof duly called and held on the day of August 1, 2023.

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

► Important Notes: 1. This approval is subject to the approved plan set as stamped and approved by the Chief Planning Official. 2. This is not a building permit. All building permits must be approved and issued by the Division of Building & Regulatory Compliance prior to the start of any construction. Unless otherwise specified by the Board, this decision shall expire and become null and void if the applicant fails to obtain any necessary zoning, building, or other permits or comply with the conditions of such decision within one (1) year of the date of signature.