

**SUPPLEMENTAL PILOT DEVIATION NOTICE RESOLUTION  
RAILROAD PLACE APARTMENTS, LLC PROJECT**

A regular meeting of City of Rensselaer Industrial Development Agency (the “Agency”) was convened in public session at the office of the Agency located in the City of Rensselaer City Hall located at 62 Washington Street in the City of Rensselaer, Rensselaer County, New York on November 25, 2024 at 4:15 p.m., local time.

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

PRESENT:

Michael Stammel	Chairman
John DeFrancesco	Vice Chairman
Andrew Kretzschmar	Secretary
William Bulnes	Member
Ray Stevens	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

John J. Bonesteel	Chief Executive Officer/Treasurer
Madeline Rizzo	Executive Assistant
Shannon E. Wagner	Special Agency Counsel

The following resolution was offered by DeFrancesco, seconded by Stevens, to wit:

Resolution No. 1124-02

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO SEND A SUPPLEMENTAL LETTER TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAXING ENTITIES INFORMING THEM OF A PROPOSED DEVIATION FROM THE AGENCY’S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED RAILROAD PLACE APARTMENTS LLC PROJECT.

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of 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 235 of the 1974 Laws of New York, as amended, constituting Section 903-c 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 manufacturing, warehousing, research, commercial and industrial 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, in June, 2022, Railroad Place Apartments, LLC, a New York State limited liability company (the “Company”), has submitted an application (the “Original Application”) to the Agency, a copy of which Original 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 two (2) parcels of land containing approximately 3.38 acres located at 2 Green Street (tax map nos.: 143.75-6-12 & 143.83-4-3.12) in the City of Rensselaer, Rensselaer County, New York (the “Land”), together with a pre-existing mill-building and an associated parking lot located thereon (the “Existing Facility”), (2) the reconstruction and renovation of the Existing Facility, (3) the construction of two (2) additions to the Existing Facility and associated parking (collectively, the “Additions”, the Existing Facility and the Additions being hereinafter collectively referred to as the “Facility”) and (4) the acquisition and installation therein and thereon of certain 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 32 market-rate unit residential apartment building, 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 “Original 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 June 27, 2022 (the “Original 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 Original Public Hearing Resolution, the Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency (the “Original Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Original Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on July 15, 2022 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 (collectively, the Affected Tax Jurisdictions”), (B) caused notice of the Original Public Hearing to be posted on July 14, 2022 at Rensselaer City Hall located at 62 Washington Street in the City of Rensselaer, Rensselaer County, New York, as well as on the Agency’s website, (C) caused notice of the Original Public Hearing to be published on July 15, 2022 in the Troy Record, a newspaper of general circulation available to the residents of City of Rensselaer, New York, (D) conducted the Original Public Hearing on July 25, 2022 at 4:00 o’clock p.m., local time at 62 Washington Street in the City of Rensselaer, Rensselaer County, New York, and (E) prepared a report of the Original Public Hearing (the “Original Public Hearing Report”) fairly summarizing the views presented at such Original Public Hearing and caused copies of said Original 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”), by resolution adopted by the members of the Agency on August 22, 2022 (the “SEQR Resolution”), the Agency (a) concurred in the determination that that the City of Rensselaer Planning Commission (the “Planning Commission”) was designated to act as “lead agency” with respect to the Project, and (b) acknowledged receipt of a negative declaration issued by the Planning

Commission on August 8, 2022 (the “Negative Declaration”) in which the Planning Commission determined that the Project would not have a significant adverse environmental impact on the environment, and therefore, that an environmental statement need not be prepared with respect to the Project; and

WHEREAS, by further resolution adopted by the members of the Agency on August 22, 2022 (the “Commercial Finding Resolution”), the Agency (A) determined that the Project constituted a “commercial project” within the meaning of the Act, (B) determined, following a review of the Original Public Hearing Report, that the Project would serve the public purposes of the Act by preserving permanent private sector jobs in the State of New York, and (C) determined that the Agency would proceed with the Project and the granting of the Original Financial Assistance; and

WHEREAS, the Agency’s Uniform Tax Exemption Policy (the “Policy”) provides a standardized method for the determination of payments in lieu of taxes for a facility similar to the Project Facility. In connection with the Original Application, the Company made a request to the Agency (the “Original PILOT Request”) that the Agency deviate from the Policy with respect to the Project. Pursuant to the resolution adopted by the members of the Agency on June 27, 2022 (the “Original PILOT Deviation Notice Resolution”), the Chief Executive Officer of the Agency caused a letter dated July 15, 2022 (the “Original PILOT Deviation Notice Letter”) to be mailed to the chief executive officers of the Affected Tax Jurisdictions, informing said individuals that the Agency would, at a subsequent meeting of the Agency, consider a proposed deviation from the Policy with respect to a payment in lieu of tax agreement to be entered into by the Agency with respect to the Project and the reasons for said proposed deviation; and

WHEREAS, by resolution adopted by the members of the Agency on August 22, 2022 (the “Original PILOT Deviation Approval Resolution”), the members of the Agency determined to deviate from the Agency’s Policy with respect to the Project; and

WHEREAS, by further resolution adopted by the members of the Agency on August 22, 2022 (the “Original Approving Resolution”), the Agency determined to grant the Original Financial Assistance and to enter into the Lease Agreement (as defined therein); and

WHEREAS, due to various delays outside of the Company’s control, including the submission of an application for grant funding (the “Grant”) pursuant to the Empire State Development Corporation’s Restore New York grant program, the Project did not immediately proceed following the adoption of the Original Approving Resolution; and

WHEREAS, in November, 2024, the Company submitted a letter supplement to the Original Application (the “Letter Supplement,” and, collectively with the Original Application, the “Application”) to the Agency. The Letter Supplement (A) described revised Project costs, which revised Project costs resulted in an increase in the amount of Original Financial Assistance requested from the Agency by more than \$100,000 (such Original Financial Assistance, as increased, the “Financial Assistance”); but (B) indicated that (1) the Company had been approved for the Grant, and (2) the Company was working with the Planning Commission to obtain renewed and/or updated site plan approvals and building permits for the Project; and

WHEREAS, by resolution adopted by the members of the Agency on November 25, 2024 (the “Supplemental Public Hearing Resolution,” and, collectively with the Original Public Hearing Resolution, the “Public Hearing Resolution”), the Agency authorized a supplemental public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, in connection with the Letter Supplement (the “Supplemental PILOT Request”), the Company desires that the Agency deviate from the Policy with respect to the payments to be made under a

payment in lieu of tax agreement by and between the Agency and the Company (the “Proposed PILOT Agreement”); and

WHEREAS, pursuant to the Supplemental PILOT Request, the Proposed PILOT Agreement would be for a term of fifteen (15) years with payments as more particularly outlined in the letter attached hereto as Exhibit A (the “PILOT Deviation Notice Letter”); and

WHEREAS, the Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a one-hundred percent (100%) abatement in real property taxes on (a) the Additions, (b) the improvements to the Existing Facility, and (c) any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law (collectively, the “Improvements”) in years one (1) through eight (8) of the payment in lieu of tax agreement with a twenty-percent per year increase, for years nine (9) through twelve (12) of the payment in lieu of tax agreement, and a final increase to normal taxes in year thirteen (13) of the payment in lieu of tax agreement; and

WHEREAS, pursuant to Section 874(4) of the Act and the Agency’s Policy, prior to taking final action on such request for a deviation from the Agency’s Policy, the Agency must give the chief executive officers of the Affected Tax Jurisdictions prior written notice of the proposed deviation from the Agency’s Policy and the reasons therefor; and

WHEREAS, pursuant to Section 856(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency;

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

Section 1. Having considered both the Application and the Supplemental PILOT Request, the Agency hereby authorizes the Chief Executive Officer of the Agency to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that the Agency is considering a proposed deviation from the Policy with respect to the Project and soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation.

Section 2. This resolution shall take effect immediately.

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

Michael Stammel	VOTING	AYE
John DeFrancesco	VOTING	AYE
Andrew Kretzschmar	VOTING	AYE
William Bulnes	VOTING	AYE
Ray Stevens	VOTING	_ AYE__

The foregoing resolution was thereupon declared duly adopted.

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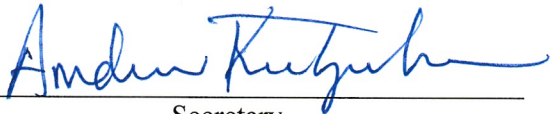
STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF RENSSELAER )

I, the undersigned Secretary of City of Rensselaer 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 November 25, 2024 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 25<sup>th</sup> day of November, 2024.

  
Secretary

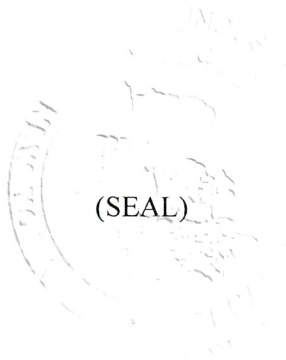


EXHIBIT A

PROPOSED FORM OF SUPPLEMENTAL  
PILOT DEVIATION LETTER

CITY OF RENSSELAER INDUSTRIAL DEVELOPMENT AGENCY

City Hall  
62 Washington Street  
Rensselaer, New York 12144  
Tel: (518) 860-2082  
Jack.bonesteel@rensselaer.ny.gov

December \_\_, 2024

Steven F. McLaughlin, County Executive  
99 Troy Road, 4<sup>th</sup> Floor  
East Greenbush, New York 12061

Kelly Hoffman, Chairwoman  
Rensselaer County Legislature  
99 Troy Road, 4<sup>th</sup> Floor  
East Greenbush, New York 12061

Michael Stammel, Mayor  
City of Rensselaer  
62 Washington Street  
Rensselaer, New York 12144

Jennifer Haggerty, School Board President  
Rensselaer City School District  
25 Van Rensselaer Drive  
Rensselaer, New York 12144

Joseph Kardash, Superintendent  
Rensselaer City School District  
25 Van Rensselaer Drive  
Rensselaer, New York 12144

Shailyn Payton, District Clerk  
Rensselaer City School District  
25 Van Rensselaer Drive  
Rensselaer, New York 12144

RE: Proposed Deviation from Uniform Tax Exemption Policy by  
City of Rensselaer Industrial Development Agency  
in connection with its Proposed Railroad Place Apartments, LLC Project

Dear Ladies and Gentlemen:

This letter is delivered to you pursuant to Section 874(4)(b) of the General Municipal Law.

The City of Rensselaer Industrial Development Agency (the "Agency") has received an application (the "Original Application") from Railroad Place Apartments, LLC (the "Company"), which Original Application was supplemented by a letter supplement (the "Letter Supplement," and collectively with the Original Application, the "Application"), which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project to consist of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing approximately 3.38 acres located at 2 Green Street (tax map nos.: 143.75-6-12 & 143.83-4-3.12) in the City of Rensselaer, Rensselaer County, New York (the "Land"), together with a pre-existing mill-building and an associated parking lot located thereon (the "Existing Facility"), (2) the reconstruction and renovation of the Existing Facility, (3) the construction of two (2) additions to the Existing Facility and associated parking (collectively, the "Additions", the Existing Facility and the Additions being hereinafter collectively referred to as the "Facility") and (4) the acquisition and installation therein and thereon of certain 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 32 market-rate unit residential apartment building, 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.

In connection with the Application, the Company has made a request (the “Supplemental PILOT Request”) that the Agency enter into a payment in lieu of tax agreement (the “Proposed PILOT Agreement”) which terms would deviate from the Agency’s Uniform Tax Exemption Policy (the “Policy”). Capitalized terms not otherwise defined herein are defined in the Policy.

The Proposed PILOT Agreement would not provide any abatements for any special assessments levied on the Project Facility. The Proposed PILOT Agreement would be for a term of fifteen (15) years, with the Company making the payments in each year as a payment in lieu of tax (each a “PILOT Payment”) to each Affected Tax Jurisdiction as follows:

<b>Year</b>	<b>PILOT Payments</b>
1	\$15,860
2	\$15,860
3	\$15,860
4	\$15,860
5	\$15,860
6	\$15,860
7	\$15,860
8	\$21,840
9	\$21,840
10	\$21,840
11	\$21,840
12	\$21,840
13	\$43,680
14	\$43,680
15	\$43,680
16 and thereafter	Normal Taxes

The Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a one-hundred percent (100%) abatement in real property taxes on (a) the Additions, (b) the improvements to the Existing Facility, and (c) any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law (collectively, the “Improvements”) in years one (1) through eight (8) of the payment in lieu of tax agreement with a twenty-percent per year increase, for years nine (9) through twelve (12) of the payment in lieu of tax agreement, and a final increase to normal taxes in year thirteen (13) of the payment in lieu of tax agreement.

The purpose of this letter is to inform you of such Supplemental PILOT Request and that the Agency is considering whether to grant the Supplemental PILOT Request and to approve a Proposed PILOT Agreement conforming to the terms of the Supplemental PILOT Request. The Agency expects to consider whether to approve the terms of the Proposed PILOT Agreement at its meeting scheduled for [December \_\_\_\_, 2024] at 4:15 o’clock, p.m., local time in the offices of the Agency located at the Rensselaer City Hall at 62 Washington Street, in the City of Rensselaer, Rensselaer County, New York (the “Meeting”). This letter is forwarded to you for purposes of complying with Section 874 of the General Municipal Law of the State of New York, which requires a notice prior to the Agency taking final action with respect to

the Proposed PILOT Agreement (if said Proposed PILOT Agreement may deviate from the provisions of the Agency's Policy).

The Agency considered the following factors in considering the proposed deviation:

1. **The nature of the Project:** Mixed-use commercial facility.
2. **The present use of the property:** Vacant building.
3. **The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area:** The property is located in census tract 515 which is a distressed census tract.
4. **The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:** Upon completion of the development of the Project, one (1) full-time position will be created. The Project will also create approximately eighty (80) construction jobs.
5. **The estimated value of new tax exemptions to be provided:** Sales tax exemption of \$256,000, mortgage recording tax exemption of \$36,000 and real property tax exemption of \$160,590.
6. **The economic impact of the Proposed PILOT Agreement on affected tax jurisdictions:** The Project will rehabilitate a vacant building which was previously used as a mill into market-rate housing for the community. The presence of new renters will have a positive economic impact on the community.
7. **The impact of the Proposed PILOT Agreement on existing and proposed businesses and economic development projects in the vicinity:** A project of the size and scope of this Project will result in new residents within proximity to local businesses. New community residents will play a role in helping these existing businesses remain open along with new businesses coming to the community.
8. **The amount of private sector investment generated or likely to be generated by the Proposed PILOT Agreement:** The investment by the Company in undertaking the Project is equal to approximately \$5,200,000.
9. **The effect of the Proposed PILOT Agreement on the environment:** The Proposed PILOT Agreement will not have a significant environmental impact.
10. **Project Timing:** It is anticipated that the Project will be accomplished in a timely fashion.
11. **The extent to which the Proposed PILOT Agreement will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services:** It is not anticipated that the Project will have a significant burden upon the educational facilities for any school district within the City of Rensselaer. After the completion of the Project, the employment at the Project is not anticipated to generate a substantial burden on the highways of the City of Rensselaer or the surrounding area. All necessary emergency medical and police services are available.

**12. Anticipated tax Revenues:** It is anticipated that there will likely be additional sales tax revenues after Project completion relating to certain future operating activities at the Project and related multiplier impacts.

**13. The extent to which the Proposed PILOT Agreement will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the Project Facility is located:** This project will increase the number of residents living in the City of Rensselaer, New York. The increased resident base will positively affect the surrounding businesses including restaurants/bars, coffee shops/cafes, and entertainment venues. The additional residents in this neighborhood will further add to its Live/Work/Play persona while encouraging ancillary businesses such as banks, independent boutiques, and similar businesses to remain in the area.

The Agency will consider the Proposed PILOT Agreement (and the proposed deviation from the Agency's Policy) at the Meeting. The Agency would welcome any written comments that you might have on this proposed deviation from the Agency's Policy. In accordance with Section 874(4)(b) of the General Municipal Law, prior to taking final action at the Meeting, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Meeting to address the Agency regarding the proposed deviation.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely yours,

John J. Bonesteel  
Chief Executive Officer