

**RESOLUTION CONFIRMING SEQR DETERMINATION  
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 at 62 Washington Street in the City of Rensselaer, Rensselaer County, New York on August 22, 2022 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 Kretzchmar	Secretary
William Bulnes	Member
Ray Stevens	Member (remote regarding EO 11.9)

Each of the members present participated in the meeting either in person or remotely pursuant to the signing into law on September 2, 2021 of Chapter 417 of the Laws of 2021, as amended on January 14, 2022.

ABSENT:

None.

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

John J. Bonesteel	Chief Executive Officer/Treasurer
A. Joseph Scott, III, Esq.	Special Agency Counsel
Shannon E. Wagner, Esq.	Special Agency Counsel
Madeline Rizzo	Executive Assistant

The following resolution was offered by John DeFrancesco, seconded by William Bulnes, to wit:

Resolution No. 0822-02

RESOLUTION CONCURRING IN THE DETERMINATION BY CITY OF  
RENSSELAER PLANNING COMMISSION, AS LEAD AGENCY FOR THE  
ENVIRONMENTAL REVIEW OF THE RAILROAD PLACE APARTMENTS, LLC  
PROPOSED PROJECT.

WHEREAS, City of Rensselaer 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 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 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, in June 2022, Railroad Place Apartments, 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 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; and

WHEREAS, by resolution adopted by the members of the Agency on June 27, 2022 (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 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, (B) caused notice of the 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 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 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 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 Rensselaer

Planning Commission (the “Planning Commission”) was designated to act as “lead agency” with respect to the Project, and (2) the Planning Commission issued a negative declaration on August 8, 2022 (the “Negative Declaration”), attached hereto as Exhibit A, 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, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Planning Commission, 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 Commission 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 RENSSELAER INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the Application, the environmental assessment form prepared by the Company 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 Commission 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 Commission 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 Commission of the concurrence by the Agency that the Planning Commission shall be the “lead agency” with respect to the Project, and to further indicate to the Planning Commission that the Agency has no information to suggest that the Planning Commission 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:

Michael Stammel	VOTING	<u>YES</u>
John DeFrancesco	VOTING	<u>YES</u>
Andrew Kretzchmar	VOTING	<u>YES</u>
William Bulnes	VOTING	<u>YES</u>
Ray Stevens	VOTING	<u>YES</u>

The foregoing Resolution was thereupon declared duly adopted.


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 August 22, 2022 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 Chapter 417 of the Laws of 2021, as amended (the “2021 Laws”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given; and (D) there was a quorum of the members of the Agency, either in person or attending remotely in accordance with the 2021 Laws, 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 22<sup>nd</sup> day of August, 2022.

  
Secretary

(SEAL)

EXHIBIT A  
NEGATIVE DECLARATION  
-SEE ATTACHED-



**CITY OF RENSSELAER  
PLANNING COMMISSION  
MEETING MINUTES**



**DATE:** August 8th, 2022

**TIME:** 6:30 PM

REGULARLY SCHEDULED

SPECIAL MEETING

IN PERSON ONLY\*

HYBRID\*

ZOOM ONLY

*\*IN PERSON AND HYBRID MEETINGS ARE HELD AT THE RENSSELAER CITY HALL COURT ROOM AT 62 WASHINGTON STREET, RENSSELAER, NY 12144*

MEMBER	PRESENT	ABSENT
Ray Stevens	X (ZOOM)	
Ed Schillaci	X	
Salena Dabbs	X	
George Farrell	X	
Tom Cardamone		X
Fred Weakley	X	

**STAFF PRESENT**

Ketura Vics, Planning Director; Jack Spath, Counsel

**CALL TO ORDER**

Ray Stevens called the meeting of the City of Rensselaer Planning Commission to order at 6:30 PM. Roll call was taken and quorum was determined.



# CITY OF RENSSELAER PLANNING COMMISSION



## MEETING MINUTES

### APPROVAL OF MINUTES

**Motion Made:** Ed Schillaci made a motion to approve the June 13<sup>th</sup> minutes. George Farrel seconded the motion. The motion passed unanimously.

### **Voting Record:**

MEMBER	YES	NO	ABSTAIN	RECUSE
Ray Stevens	X			
Ed Schillaci	X			
Salena Dabbs	X			
George Farrel	X			
Tom Cardamone				
Fred Weakley	X			

### COMMUNICATIONS

Director provided an update on grant status, briefly discussing the \$1.927M for local parks through a CDBG grant as well as the application that was submitted for the BOA program Phase I Nomination Study redo.

### OLD BUSINESS

**2 Green Street:** William Brayton is requested SEQR review for the property at 2 Green Street. The project is to convert a vacant building, formerly a mill, into apartments to be known as "Railroad Place". This project received approval in January of 2019 and and site plan renewal on July 13<sup>th</sup>, 2020. A search into property files revealed no SEQR decision on record and a decision is required in order for this project to move forward with IDA assistance. Chairman Stevens made a comment regarding the SEQR determination for the project that was required for the National Register of Historic Places designation and that the materials, which he reviewed, made him confident that the project was a Type II and would not need a full EIS.

**Motion Made:** Ed Schillaci made a motion to declare the Planning Commission lead agency, issue a Type II determination for the project and thus, a negative SEQR declaration. George Farrell seconded the motion. The motion passed unanimously.



# CITY OF RENSSELAER PLANNING COMMISSION



## MEETING MINUTES

**Voting Record:**

MEMBER	YES	NO	ABSTAIN	RECUSE
Ray Stevens	X			
Ed Schillaci	X			
Salena Dabbs	X			
George Farrel	X			
Tom Cardamone				
Fred Weakley	X			

**New Business**

**1494 Broadway:** Shane Hornberger is requested preliminary site plan approval to convert the basement unit of the existing two-family building into a third apartment. The site plan provided showed sufficient parking and a curb cut, which was approved by the Rensselaer City Common Council.

**Motion Made:** Ed Schillaci made a motion to approve the request for preliminary site plan approval on the condition that all landscaping be complete and satisfactory to improve the appearance of the yard while maintaining green space. Fred Weakley seconded the motion. The motion passed unanimously.

**Voting Record:**

MEMBER	YES	NO	ABSTAIN	RECUSE
Ray Stevens	X			
Ed Schillaci	X			
Salena Dabbs	X			





# CITY OF RENSSELAER PLANNING COMMISSION



## MEETING MINUTES

George Farrell	X			
Tom Cardamone				
Fred Weakley	X			

### ADJOURNMENT

**Motion Made:** Fred Weakley made a motion to adjourn the meeting at 7:11 PM. Ed Schillaci seconded the motion. Motion carried, meeting was adjourned.

### **Voting Record:**

MEMBER	YES	NO	ABSTAIN	RECUSE
Ray Stevens	X			
Ed Schillaci	X			
Salena Dabbs	X			
George Farrell	X			
Tom Cardamone				
Fred Weakley	X			

### NEXT REGULARLY SCHEDULE MEETING

September 12<sup>th</sup>, 2022 at 6:30 PM

### RECORD OF DECISIONS

An official record of decisions noting the details of motions and votes from this meeting along with any conditions & stipulations of approval has been filed with the City Clerk and a copy maintained in Planning Department records.



# CITY OF RENSSELAER PLANNING COMMISSION

MEETING MINUTES



**Respectfully Submitted,**

**Ketura Vics, Planning Director**

DRAFT