
CITY OF RENSSELAER INDUSTRIAL DEVELOPMENT AGENCY

January 23, 2023

4:15 PM

IDA Board Meeting

This meeting to be held via Zoom and in-person

- I. Call to Order
- II. Approval of Minutes for Meeting of December 19, 2022
- III. CEO Report
- IV. Treasurer's Report
- V. Unfinished Business

None.

- VI. New Business

Housekeeping Resolution

BBL Barnett LLC Project:

- BBL Barnett SEQR Resolution
- BBL Barnett Commercial and Retail Findings Resolution
- BBL Barnett Approving Resolution

- VII. Adjournment

Next meeting: Monday February 27, 2023 at 4:15 PM

CITY OF RENSSELAER INDUSTRIAL DEVELOPMENT AGENCY

December 19, 2022

4:15 PM

IDA Board Meeting

This meeting was held in person and
by ZOOM

Board Members Present:

Chairperson Michael Stammel
Hon. John DeFrancesco
Secretary Andrew Kretzschmar
Hon. William Bulnes
Hon. Raymond Stevens (*via
videoconference*)

Agency Staff in Attendance:

Jack Bonesteel - CEO/Treasurer
Shannon E. Wagner, Esq - Special Agency Counsel
Madeline Rizzo – Executive Assistant to CEO

The Regular Meeting of the IDA was called to order at 4:15 PM by Chairperson Stammel. The Regular Meeting was held in person and via ZOOM as permitted pursuant to New York State General Construction Law Section 41.

I. Minutes

Minutes of the November 28, 2022, IDA Meeting were reviewed. Motion by Mr. Bulnes, second by Mr. Stevens, to approve the Minutes as printed. Motion carried unanimously.

II. CEO Report

Status report as given by the CEO.

The CEO reported the CRIDA has received an application from McManus Partners LLC for their 8.9-million-dollar project at the site of the former St. John School building. The McManus Partners LLC were introduced to the Laberge group for their assistance in applying for the Restore NY Grant, which is due January 27, 2023. The project is eligible for 2 million dollars under the grant program. This application is the third received by the CRIDA in 2022 and aggregated totals around 40 million dollars. The CEO reported that this success is a result of the work beginning in 2020 and 2021 to restore the CRIDA's to issues real property sales and mortgage reporting tax exemptions. Two of the 2022 application were a result of the approval of the new mixed use tax exemption policy as part of Uniform Tax Exemption policy approved in 2021. The CEO reported of the hopes to see the three projects from 2022 being completed in 2023. The CEO thanked all applicants, CRIDA Board members, Staff, legal counsel, the City of Rensselaer Common Council, Planning Commission and Rensselaer County officials for their assistance over the last year.

Motion to approve CEO Report by Mr. Stevens, second by Mr. DeFrancesco. Motion carried

unanimously.

III. Treasurer's Report

Status Report given by the Treasurer.

November Month End bank balance of \$308,335.82

Motion by Mr. Kretzschmar, second by Mr. Bulnes, to approve the Treasurer's Report.

Motion carried unanimously.

IV. Old Business

None

V. New Business

McManus Elm/McManus Herrick LLC Project:

Motion by Mr. DeFrancesco, Second by Mr. Kretzschmar, to approve Preliminary SEQR Resolution. Voice vote was taken. Motion carried unanimously.

Motion by Mr. Bulnes, Second by Mr. Stevens, to approve Public Hearing Resolution. Voice vote was taken. Motion carried unanimously.

Other Business:

Motion by Mr. Bulnes, Second by Mr. Stevens to accept Engagement Letter from Al Maikels, CPA for 2023 (2022 Audit Report and PARIS Report Prep/Submission). Voice Vote was taken. Motion Carried unanimously.

VI. Adjournment

A motion was made by Mr. DeFrancesco, second by Mr. Bulnes, to adjourn the meeting at 4:27 PM. Motion carried unanimously. The next meeting of the IDA is scheduled for 4:15 pm on Monday, January 23, 2023.

**CITY OF RENSSELAER INDUSTRIAL DEVELOPMENT AGENCY
ANNUAL HOUSEKEEPING RESOLUTION 2023**

A regular meeting of City of Rensselaer Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Rensselaer City Hall at 62 Washington Street in the City of Rensselaer, Rensselaer County, New York on January 23, 2023 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 to the CEO
A. Joseph Scott, III, Esq.	Special Agency Counsel
Shannon E. Wagner, Esq.	Special Agency Counsel

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

Resolution No. 0123-____

**RESOLUTION APPROVING CERTAIN APPOINTMENTS AND ADMINISTRATIVE
MATTERS OF THE AGENCY.**

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, manufacturing 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, under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and

WHEREAS, under Section 856 of the Act, the members of the Agency shall elect the officers of the Agency; and

WHEREAS, the members of the Agency desire to make certain appointments and approve certain administrative matters;

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

Section 1. The Agency hereby takes the following actions:

(A) Approves the appointments and the administrative matters described in Schedule A attached hereto.

(B) Approves and confirms the policies described in Schedule A.

Section 2. The Agency hereby authorizes the (Vice) Chairman and the Chief Executive Officer to take all steps necessary to implement the matters described in Schedule A attached.

Section 3. This Resolution shall take effect immediately.

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

Michael Stammel	VOTING	_____
John DeFrancesco	VOTING	_____
Andrew Kretzschmar	VOTING	_____
William Bulnes	VOTING	_____
Ray Stevens	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of the City of Rensselaer Industrial Development Agency (the “Agency”), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency held on January 23, 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 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 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 23rd day of January, 2023.

Secretary

(SEAL)

SCHEDULE A

Confirmation of Regular Agency Meeting Schedule

Fourth Monday of the Month at 4:00 o'clock p.m.

Election of Officers of the Agency

John DeFrancesco	Vice Chairman
Andrew Kretschmar	Secretary
John J. Bonesteel	Treasurer

Appointment of Chief Executive Officer and Staff to the Agency

John J. Bonesteel	Chief Executive Officer
Madeline Rizzo	Executive Assistant to the CEO

Appointment of Accounting Firm of the Agency

Allen F. Maikels, CPA

Appointment of Auditing Firm Regarding Preparation of Financial Statements

Allen F. Maikels, CPA

Appointment of Agency Counsel

A. Joseph Scott, III, Esq., Hodgson Russ LLP

Appointment of Special/Bond Counsel

A. Joseph Scott, III, Esq., Hodgson Russ LLP

Appointment of Bank of the Agency and Accounts

T.D. Bank, N.A.

Approval and Confirmation of Agency Policies

Compensation Reimbursement and Attendance Policy
Defense and Indemnification Policy
Disposition of Property Guidelines
Investment Policy
Procurement Policy
Travel Policy
Uniform Criteria For Project Evaluation
Whistleblower Policy
Code of Ethics
Uniform Tax Exemption Policy

Appointment of Contract Officer

John J. Bonesteel, Chief Executive Officer

Appointment of Investment Officer

John J. Bonesteel, Chief Executive Officer

Finance Committee

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

Governance and Compliance Committee

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

Audit Committee

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

**SEQR RESOLUTION
BBL BARNETT 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 January 23, 2023 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
A. Joseph Scott, III, Esq.	Special Agency Counsel
Shannon E. Wagner	Special Agency Counsel

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

Resolution No. 0123-__

RESOLUTION ACCEPTING THE DETERMINATION BY THE CITY OF RENSSELAER PLANNING COMMISSION TO ACT AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF A PROJECT FOR THE BENEFIT OF BBL BARNETT LLC PROJECT AND ACKNOWLEDGING RECEIPT OF THE NEGATIVE DECLARATION BY THE PLANNING COMMISSION ISSUED WITH RESPECT THERETO.

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, BBL Barnett 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 a certain parcel of land containing approximately 6.52 acres located at 11 Forbes Avenue and 20 Forbes Avenue (tax map nos. 133.77-3-1; 133.69-1-2; 133.-3-7) in the City of Rensselaer, Rensselaer County, New York (the “Land”), together with eight (8) pre-existing historic mill-buildings (the “Facility”), (2) the reconstruction, renovation and rehabilitation of the Facility, and (3) 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 a mixed-use facility containing approximately 78,286 square feet of space for market-rate residential apartment space and 19,996 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, 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 August 22, 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 September 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 September 15, 2022 on a bulletin board located 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 September 16, 2022 in The Record, a newspaper of general circulation available to the residents of the City of Rensselaer, New York, (D) conducted the Public Hearing on September 26, 2022 at 4:00 o’clock p.m., local time at Rensselaer City Hall located 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 (A) the City of Rensselaer Planning Commission (the “Planning Commission”) was designated to act as the “lead agency” with respect

to a study area consisting of approximately 75-acres of land in the northwest portion of the City of Rensselaer (the “Study Area”), (B) the Planning Commission on March 12, 2018, accepted a draft generic environmental impact statement (the “DGEIS”) prepared with respect to the Study Area which analyzed and evaluated potential environmental impacts equally with social and economic factors associated with the conceptual development of the Study Area, (C) the Planning Commission on August 13, 2018 adopted a Findings Statement relative to the DGEIS (the “Findings Statement,” a copy of which is attached hereto as Exhibit A) including specific conditions or criteria under which future projects could be undertaken or approved within the Study Area, and (D) the Planning Commission issued a Negative Declaration on January 9, 2023 (the “Negative Declaration”), a copy of which is attached hereto as Exhibit B, determining that the acquisition, construction, reconstruction, renovation and installation of the Project Facility was (1) located in the Study Area, and (2) a “Type I action” which was adequately addressed in the Findings Statement and will not have a “significant effect on the environment” and accordingly, that an environmental impact statement is not required to be prepared with respect to the Project (as such quoted terms are defined in SEQRA); and

WHEREAS, pursuant to SEQRA, the Agency has received and reviewed: (A) the environmental assessment form attached to the Application(a copy of which is attached hereto as Exhibit C), (B) the DGEIS, (C) the Findings Statement, and (D) the Negative Declaration (hereinafter collectively referred to as the “Reviewed Documents”); and

WHEREAS, the Agency now desires to make a written findings statement relative to the Approved Project, as required by Section 617.11(c) of the Regulations;

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

Section 1. Based upon a review of the Reviewed Documents, the Agency hereby makes the following findings and determinations:

- (A) The Agency hereby accepts the designation of the Planning Commission as “lead agency” with respect to the Project for purposes of SEQRA;
- (B) The Agency acknowledges receipt of the Reviewed Documents; and
- (C) The Agency hereby determines that the Agency has no information to suggest that the Lead Agency was incorrect in adopting the Reviewed Documents.

Section 2. Based upon consideration of the Findings Statement and a review thereof conducted by the members of the Agency at this meeting, the Agency hereby (A) concurs with the Findings Statement and (B) adopts the Findings Statement attached hereto to support the Agency’s decision to proceed with the Project.

Section 3. The Agency hereby further finds and determines that:

- (A) The Agency has reviewed the Findings Statement and has considered the relevant environmental impacts, facts and conclusions disclosed in the Findings Statement;
- (B) The Agency has weighed and balanced the relevant environmental impacts identified in the Findings Statement with social, economic and other considerations;

- (C) The Agency has reviewed the Act, the Application and the Reviewed Documents, and based on said materials, the Agency finds no compelling reason not to proceed with the Project;
- (D) The requirements of SEQRA have been met with respect to the Project;
- (E) Consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the Project minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (F) Consistent with social, economic and other essential considerations, adverse environmental effects revealed in the Findings Statement will be minimized or avoided to the maximum extent practicable, by incorporating as conditions to any decision made by the Agency those mitigative measures identified as practicable in the Findings Statement.

Section 4. In consequence of the foregoing, the Agency hereby makes a determination to proceed with the Project.

Section 5. The Chief Executive Officer of the Agency is hereby directed to (A) send a copy of this Resolution to each entity identified by the Lead Agency as an “involved agency” with respect to the Project (as such quoted term is used in SEQRA), and the Company, and (B) place a copy of this Resolution in the file of the Agency.

Section 6. 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	_____
John DeFrancesco	VOTING	_____
Andrew Kretschmar	VOTING	_____
William Bulnes	VOTING	_____
Ray Stevens	VOTING	_____

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 January 23, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of January, 2023.

Secretary

(SEAL)

EXHIBIT A
FINDINGS STATEMENT
- SEE ATTACHED -

**Statement of Findings
Kiliaen's Landing GEIS
City of Rensselaer, Rensselaer County, New York
Adopted August 13, 2018**

GENERAL

The Study Area consists of approximately 75-acres of land in the northwest portion of the City of Rensselaer in Rensselaer County. It is generally bounded by the Hudson River, Livingston Avenue Bridge, the Town of North Greenbush and the CSX Railroad right-of-way. The Study Area is undeveloped with the exception of the Forbes Avenue Boat Launch and the buildings associated with the underutilized Hilton Center.

Pursuant to the State Environmental Quality Review Act (SEQR), the City of Rensselaer Planning Commission prepared a Generic Environmental Impact Statement (GEIS) to evaluate the cumulative impacts of future development in the Study Area and to identify appropriate mitigation to ensure orderly and equitable growth. A GEIS is a tool provided by SEQR to address broad land areas or programs that impact land use and the environment. The level of detail for a GEIS is usually at a planning or concept level, meaning that site details are not necessary.

The primary purpose of preparing the GEIS was to identify a Preferred Alternative for development that would benefit the City and its residents and to take a proactive approach by identifying the potential impacts and establishing the mitigation measures necessary to ensure that this future development (Preferred Alternative) meets the goals and objectives of the City while being protective of the environment. The GEIS and this Statement of Findings apply only to development/actions within the Study Area that are subject to SEQR. Future site-specific projects in the Study Area that fall within the thresholds and are consistent with the goals outlined in the Final GEIS and this Statement of Findings will have no further responsibility under SEQR. Projects that exceed the thresholds evaluated or otherwise do not meet the requirements outlined in the GEIS and Statement of Findings will required further action under SEQR.

Pursuant to the requirements of SEQR, the Planning Commission deemed the Draft GEIS complete on March 12, 2018. A public hearing was held on April 9, 2018. The public comment

period ran from March 12, 2018 through April 20, 2018. A final GEIS was prepared and accepted by the City Planning Commission on June 11, 2018.

CERTIFICATION

The City of Rensselaer Planning Commission, as Lead Agency, is issuing this Statement of Findings pursuant to 6NYCRR Part 617.11 of SEQR. Specifically, the Planning Commission hereby finds:

- a. The requirements of 6 NYCRR 617 have been met.
- b. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable,
- c. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.
- d. The GEIS is comprehensive and contains the facts and conclusions relied upon to support the Town Board's Statement of Findings and indicates the social, economic and other factors, which formed the basis of its findings.

Pursuant to the regulatory requirements of SEQR for Generic Environmental Impact Statements (6NYCRR Part 617.10), the Kiliaen's Landing GEIS assessed the environmental impacts that may occur as a result of future development in the Study Area. This Statement of Findings lists the specific conditions or criteria under which future projects may be undertaken or approved, including requirements for any subsequent SEQR compliance. To the extent that certain impacts may require further analysis, it is recognized that the Final GEIS may be supplemented pursuant to 6 NYCRR Part 617.10(d). No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS and its Findings Statement.

FACTS & CONCLUSIONS

Preferred Alternative

Although the City has long recognized that attractive, sustainable development of its Hudson River waterfront is critical to the future identity of the City as a desirable place to live and work and the Study Area has been the subject of numerous planning studies, it remains

undeveloped. Guided by the vision developed for the Study Area the City evaluated a range of potential alternatives including an evaluation of the no action alternative.

In addition to the Vision Statement, the development of alternatives were guided by the Inventory and Analysis, Market Study, input from the Steering Committee, City Officials and the public. Alternatives were developed sequentially at a series of Steering Committee and Public Meetings, each based on input from each previous alternative. For example, although the residential layout in Alternative 1 was viewed as most favorable, the location of the residential structures proximate to the River led to flooding concerns. The layout in Alternative 2 was reminiscent of large scale commercial site, leading to the layout in Alternative 4 and finally the Preferred Alternative.

The chosen or Preferred Alternative was a result of combining “preferred” elements from all the Alternatives as directed by input from the Steering Committee, City Officials and the public:

Residential Living:

- Approximately 356 apartment units in 5 residential structures of 5 and 6 stories.
- Emergency access via the multi-use path extension under Livingston Avenue Bridge.
- Multi-use path connecting both south under the Livingston Avenue Bridge and north to the boat launch and recreational areas of the site.
- Surface parking associated with each structure.

Boat Launch and Hilton Center Area:

- Expansion/improvements to existing waterfront park and boat ramp including parking.
- Continuation of multi-use path connecting the residential area to the recreational area.
- Approximately 60 apartment units in rehabilitated Hilton Center.
- Approximately 8,200 sf each of neighborhood retail and cultural arts in Hilton Center.

Recreation-Active and Passive:

- Continuation of multi-use path connecting waterfront park area with East Greenbush and future connections to future County trail system and Rensselaer Technology Park.
- Two-story, 31,200 SF recreation center in vicinity of Patroon Island Bridge
- Basketball and tennis courts, softball, little league, baseball, and multi-purpose fields.
- Surface parking

Additional findings for specific issues and support for these findings are provided as follows:

A. Land Use and Zoning

- A.1 The Preferred Alternative will redefine the uses of the site; however potential uses are consistent with existing zoning. The Study Area was rezoned as a result of recommendations in the City of Rensselaer Local Waterfront Revitalization

Plan (2011) (LWRP) to accommodate higher density uses, encourage vibrant, walkable development and capitalize on its waterfront location. The Preferred Alternative is consistent with the LWRP and projects in the Study Area will be reviewed against the LWRP to ensure consistency with that Plan and its recommendations.

- A.2 The Preferred Alternative (or any alternative with the exception of the no-build) represents a change in land use within the Study Area. Existing development within the Study Area includes the underutilized Hilton Center and the boat launch area; the remainder of the site is vacant. The character will change from undeveloped/underdeveloped to high density multi-story apartments and recreational amenities including an improved boat launch and multi-use paths that connect to similar paths to the north, south and to the adjacent neighborhood.
- A.3 The Hilton Center would change from an underutilized, deteriorating series of buildings to a rehabilitated mixed use structure that includes both apartments, neighborhood scale retail and community arts space. This redevelopment Hilton Center will maintain its historic character structure while addressing its deteriorating condition.
- A.4 The City of Rensselaer has identified the need for additional active recreational space to serve residents both young and old. The size of the Study Area represents an opportunity to develop these facilities in one location.
- A.5 The acreage available in the residential area of the site will allow a design that provides both an adequate buffer between this area and the existing neighborhood and limits impacts to the Hudson River views from the surrounding neighborhood.

B. Transportation

- B.1 The Study Area is accessible to Albany and points west via I-90 and the Dunn Memorial Bridge and the Patroon Island Bridge. It is proximate to the Albany-Rensselaer Train Station and Downtown.
- B.2 Site access is via Tracy Street or via Forbes Avenue. The Broadway/Tracy Street intersection is 4-way intersection with stop signs on Tracy Street. Forbes Avenue and Tracy Street intersect at a 4-way unsignalized intersection. Both existing access points traverse uncontrolled at-grade railroad crossings.

- B.3 Pedestrian access is from the surrounding sidewalk network. Bicycles access the site from adjacent streets. There are no formalized paths, bike paths or sidewalks within the Study Area with the exception of the boat launch area
- B.4 Capacity information for Broadway and Washington Avenue indicate that there is excess capacity to accommodate the anticipated increase in traffic volumes.
- B.5 A Traffic Impact Study will be required once actual site uses are proposed to identify specific improvements to the roadway and pedestrian network. This will include improvements related to site driveways and the CSX Railroad crossings.
- B.6 Coordination with the CSX Railroad will be required to identify any safety improvements related to increased traffic accessing the site via at grade, uncontrolled intersections.
- B.7 Site development will require a plan for internal circulation of vehicles, pedestrians and non-motorized vehicles. Pedestrian and non-motorized circulation must include connections to the south under the Livingston Avenue Bridge and to the north with future RPI tech park trails and Rensselaer County trails.

C. Utilities

- C.1 The City is within the Rensselaer County Sewer District. Capacity set aside for future growth in the City is 1 MGD; the expected generation rate for the Preferred Alternative is 80,000 GPD.
- C.2 The Preferred Alternative will connect to the Forbes Avenue Pump Station upgraded in 2015 via gravity sewer mains and force mains requiring the installation of approximately 3,500 linear feet of 8" PVC pipe. The majority of the preferred development can be accommodated with gravity sewer.
- C.3 All connections will require approval from the Rensselaer County Sewer District.
- C.4 The Study Area is served by the municipal water system operated jointly by the City of Rensselaer and Town of East Greenbush and will create a demand of 80,000 GPD and will require the extension of approximately 7,000 linear feet of 8 inch Ductile Iron Pipe. Fire hydrants will be required on-site.
- C.5 Based on ongoing improvements to the water system, it is anticipated that there is existing capacity to meet the demands of the Preferred Alternative subject to approval for a waterline extension by the City Water Department.

- C.6 Stormwater facilities for the proposed project shall meet the requirements of the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and guidelines listed in the New York State Stormwater Management Design Manual (January 2015) or the General Permit and Manual in effect at the time of a proposed project.
- C.7 Projects within the Study Area will employ green infrastructure techniques as part of the stormwater management plan. The following Green infrastructure techniques are recommended:

Livingston Avenue Bridge	Boat Launch and Hilton Center	Recreational area north of Boat Launch
Bioretention Basins	Bioretention Basins	
Rain Gardens	Rain Gardens	
Infiltration Basins		
Dry Swales	Dry Swales	Dry Swales
Vegetated Swales	Vegetated Swales	
Green Roofs		
Permeable Pavers		Permeable pavers
Porous Pavement		

- C.8 The recreational area will also include the conservation of existing wetlands and riparian buffers and the use of underground infiltration systems under the recreational sports fields and permeable pavers on the trails.
- C.9 The required green infrastructure techniques will be determined by the City as reviews specific development proposals. These techniques will be incorporated in the Stormwater Pollution Prevention Plan (SWPPP) and final design site plans.
- C.10 Estimated electric demand of the Preferred Alternative is approximately 3,145 kW and does not include estimates for potential field lighting. The installation of rooftop solar arrays on all the structures with the exception of the Hilton Center could meet approximately 17% of the estimated electrical needs.
- C.11 The Preferred Alternative is premised on the relocation of utility lines either underground or adjacent to the CSX ROW. Coordination with National Grid regarding location, design and cost to relocate the electric lines during at the

time a specific project is under review will be necessary. The developer will be responsible for relocation of utility lines.

D. Topography and Soils

- D.1 The Study Area is generally flat to rolling; steep areas are associated with the CSX ROW near the Study Area boundary.
- D.2 Soils consist primarily of altered and floodplain soils and will require a geotechnical evaluation to determine appropriate fill material and foundation/footing design prior to the design of specific projects.

E. Surface Water Resources

- E.1 The majority of the site is mapped within FEMA 100-year floodplain and is vulnerable to sea level rise (2014 Climate Change in New York State Report). The base flood elevation (BFE) for the site ranges from 21' at the Livingston Avenue Bridge to 22' near the Patroon Island Bridge. Predictions for sea level rise range from a low of 10" to a high of 54" or 4.5 feet by 2080.
- E.3 To mitigate floodplain impacts and potential for sea level rise all development will be constructed as follows with the lowest floor elevation at 25' based on the following:
 - The lowest floor including any basement will be at or above the BFE plus two feet as per the City of Rensselaer's Chapter 105 Flood Damage Prevention Regulations and NYS Floodplain Construction Requirements. This required the lowest floor elevations of 22-23 feet.
 - To mitigate the impacts of sea level rise, the lowest floor including basements should be raised an additional average of 2 to 3 feet across the site.
- E.4 To mitigate floodplain impacts and fill requirements, projects that include garages at the first level will be reviewed favorably. In addition structures should be as far from the Hudson river as practicable.
- E.5 Areas developed for open space and recreational are not required to be at or above 25', however fill and grading will be determined at the time projects are reviewed to ensure the most appropriate soils for site drainage and site layout.
- E.6 An Article 15 Protection of Waters permit and Section 401 Water Quality Certification may be required from NYSDEC, along with a U.S Army Corps of Engineers Section 404 permit for work required to improve/expand the boat launch area.

- E.7 A NYSDEC SPDES General Permit for Stormwater Discharges from construction Activity is required for any disturbances of more than one acre.
- E.8 All projects must certify that all requirements of the City's Chapter 105 Flood Damage Prevention Regulations have been met
- E.9 To further limit the potential impact of flooding and stormwater run-off projects will:
 - minimize buildings, paved and hardscape (impervious) areas to the maximum extent possible.
 - Minimize disturbance on the banks of the Hudson River.
 - Maintain and protect wetland areas and green areas to more effectively absorb stormwater flows.
 - Implement green infrastructure practices as described in Section 3.0 of the GEIS to manage stormwater water on site.
 - Manage stormwater runoff at a minimum to maintain pre-development levels.

F. Ecology

- F.1 Vegetative communities across the site include deciduous floodplain forest, wetland, successional old field, and tidal river. There is a perennial stream in the Study Area.
- F.2 Desk top survey and field reconnaissance identified eight federally jurisdictional wetlands and no NYSDEC regulated wetlands in the Study Area. A wetland delineation must be completed prior to any development in the Study Area. The Preferred Alternative does not disturb federal wetlands.
- F.3 The NY Natural Heritage Program identified the potential for several state-listed animals at or near the Study Area including the shortnose sturgeon, bald eagle, cobra clubtail and alewife floater. Consultation with the U.S. Fish and Wildlife Service IPaC also identified the northern long eared bat.
- F.4 Based on field studies conducted to assess habitat conditions and the potential for these species in the Study Area, additional studies will be required to assess impacts and identify mitigation for the Shortnose sturgeon, Bald eagle and the Northern long-eared bat prior to project approvals:
 - Shortnose sturgeon - Coordination with the USACE, NYSDEC, National Marine Fisheries Service (NMFS), New York Department of State (DOS), and the City of Rensselaer Local Waterfront Revitalization Program will be required during permitting.

- Bald eagle -During permitting, proposed activities will need to be assessed according to the Bald and Golden Eagle Protection Act and NYSDEC guidelines. Future projects should include a tree survey within the impact area.
- Northern long-eared bat- A tree inventory should be conducted during project permitting.

F.5 At the time specific projects are advanced, updated coordination with the both NY Natural Heritage Program and IPaC will be required.

G. Cultural Resources

- G.1 The NYSOPRHP Cultural Resource Information System (CRIS), nearly the entire site and surrounding area is considered sensitive for archeological resources.
- G.2 The NYSOPRHP Cultural Resource Information System (CRIS) identified the following resources listed on the on National Register of Historic Places:
- Patroon Agent's House and Office adjacent to the Study Area.
 - Clark-Dearstyne-Miller Inn adjacent to the Study Area.
 - Doane Stuart School located on the slopes above the Study Area.
- G.2 The NYSOPRHP Cultural Resource Information System (CRIS) identified the following resources as eligible for listing on the National Register of Historic Places:
- William Barnet & Son Shoddy Mill Complex (Hilton Center) located in the Study Area.
 - The Livingston Avenue Bridge and viaduct which crosses the Hudson River immediately south of the site
- G.3 A Phase 1A Literature Review and Sensitivity Assessment was completed in March 2017 by Hartgen Archeological Associates to determine the potential for archeological resources and identified the Forbes Avenue and Central Avenue area as moderate archeological potential with potential for intact historic archeological remains associated with the ice houses, the ferry, and other early activities associated with the Bath-on-Hudson settlement. Work in this area will require that a Phase 1B archeological survey be completed prior to construction activities.
- G.4 Review of the Phase 1A Report by NYSOPRHP noted the following:
- Made-land that was formally within the Hudson River channel does not need to be tested for archaeological resources
 - Areas that have been previously disturbed (and can be documented) do not need to be tested for archeological resources

- Remaining areas should be assessed for the potential to contain deeply buried original ground surfaces. These locations would be identified once specific design plans are established.
- Upon establishment of design plans identifying former shoreline areas, disturbed areas and areas where deep testing may be needed will be provided to NYSOPRHP to determine locations where Phase 1B field testing may be required.

G.5 To comply with these findings, future projects must obtain concurrence from NYSOPRHP that the project will not impact cultural resources.

H. Aesthetics and Visual Resources

- H.1 The Study Area is generally undeveloped and forested with the exception of the Hilton Center and the boat launch area. It is surrounded by a residential and mixed use neighborhood along Broadway and surrounding roadways. The Livingston Avenue Bridge and the Amtrak Rensselaer Maintenance Facility are located to the south. Undeveloped lands border the Study Area's northeastern boundary.
- H.2 Existing site views from the surrounding area include a combination of forest, the boat launch, the Hilton Center, stripped and unvegetated land, and the Hudson River. Views from the public ROW on the streets above the site are limited by existing vegetation on private property. Clear site lines exist from the Central Avenue ROW.
- H.3 Development (Preferred Alternative or otherwise) represents a change in visual character. Rehabilitation of the Hilton Center and the boat launch area will likely be considered as an improvement to the visual quality of the Study Area.
- H.4 The removal of vegetation to accommodate both buildings and recreational amenities will alter the existing view from the River, the Corning Preserve and the Hudson Mohawk Bike Trail into the site. Site views will change from forested to a developed state.
- H.5 In some locations, the Hudson River may be more visible from the streets east of the Study Area as a result the removal of vegetation.
- H.6 The City will require visual assessments utilizing the NYSDEC Program Policy, *Assessing and Mitigating Visual Impacts* during site plan review of projects to identify specific impacts and appropriate mitigation measures to protect the viewshed and visual character of the neighborhood and to ensure the visual quality of proposed project.

- H.7 Projects will be required to incorporate the following techniques as appropriate and will be identified during site plan review:
- Site design should maximize and protect public access to river views, as well as maintain the existing views to the River from private property and the surrounding public ROW.
 - Site structures and elements will be sensitive to the surrounding neighborhood relative to height, bulk and scale, building style and landscaping materials. The Site will transition to less intense development and building styles proximate to the site boundaries.
 - Vegetative buffers and selective tree clearing will be employed as practicable. This will be predicated on site layout and quality of the existing vegetation. Landscaped areas will be reintroduced as necessary.
 - Site design will visually connect the Study Area to the surrounding neighborhood and complement existing structures through the use of landscape and hardscape (paths, walkways, wayfinding) materials.
 - Use of high quality construction materials and colors that complement and integrate into the surrounding neighborhood.
 - Incorporation of public gathering space(s) into the overall site design through the use of landscaping and hardscape elements, walkways and wayfinding techniques that invites visitors into the site.
 - All site plans will include Dark Sky lighting fixtures to minimize glare and light spillage to surrounding properties.

I. Air Quality and Noise

- I.1 The United States Environmental Protection Agency (EPA) sets National Ambient Air Quality Standards (NAAQS) for pollutants considered to be harmful to public health and the environment. Ambient air quality is monitored by the NYSDEC. The closest air monitoring station is located in Loudonville, New York.
- I.2 All of the measured pollutants including sulfur dioxide, particulates, carbon monoxide and ozone fell well below the NAAQS thresholds at the Loudonville Station in 2016. There were no measurements reported for lead and nitrogen dioxide in Region 4 in 2016.
- I.3 Impacts to air quality during construction would be limited to short-term increases in fugitive dust, particulates, and localized pollutant emissions from construction equipment.
- I.4 All projects must include a fugitive dust plan that may include wetting excavation areas, unpaved parking and staging areas, and onsite stockpiles of debris, dirt, or dusty material; and washing haul trucks and covering loads before leaving the site. All contractors will be required to use street-sweeping equipment at paved site-

access points and to shut off construction equipment when it is not in direct use to reduce emissions from idling.

- I.5 Site plans for specific projects will include electric vehicle charging stations and strictly adhere to the NYS Building and Energy Code to limit the additional CO₂ into the atmosphere.
- I.6 To mitigate potential noise impacts during construction contractors will be required to limit construction activities between 7:00 AM and 6:00 PM Monday through Friday. Construction and demolition equipment will not operate on Saturdays, Sundays, State and Federal Holidays or between 6:00 pm to 7:00 AM without specific permission from the City.
- I.7 If the use of pile driving equipment becomes necessary measures to protect nearby residential structures will include:
 - Conduct a pre-construction inspection of all properties within a 1,000 feet radius of the site to identify and document preconstruction conditions.
 - Provide regular project updates to property owners within a 1,000 foot radius of the project.
 - Conduct post construction inspection including meetings with property owners within a 1,000 foot radius to document post-construction conditions.
- I.8 With the exception of the potential for tournaments utilizing the recreational facilities, day to day operations on the site will have limited impact on noise levels on the surrounding area. The development of guidelines by the City to address the type and timing of events may mitigate those impacts.

J. Hazardous Materials

- J.1 A desktop screening of the entire site was conducted in April 2017 and identified several recognized environmental conditions (RECs); the Hudson River was identified as a PCB-contaminated waterway by the National Priority List.
- J.2 A preliminary assessment of the Hilton Center completed in May of 2013 also identified a number of REC's, as well as building code violations.
- J.3 Site development will require the completion of additional investigations to determine the extent of impact from the identified RECs and the required remediation within the Study Area. Remediation activities related to specific projects or site locations must be completed prior to any construction activities and will be a condition of any building permit.

K. Community Services

- K.1 At full build out the Preferred Alternative could add 660 people including 68 school age children to the Study Area thereby increasing the demand for community services such as police, fire and education.
- K.2 Developers will be required to coordinate with the police, fire departments, and school district during the review process to identify and address impacts to these services.

L. Unavoidable Impacts

- L.1 Study Area development will result in an increase in density. However the increase in density of the Preferred Alternative supports the overall objective of the Downtown Revitalization Plan and the Comprehensive Plan.
- L.2 Increases in traffic have been evaluated and proposed improvements based on previous traffic studies appear reasonable. Prior to the approval of specific projects, traffic study(s) will be completed to identify the specific improvements (mitigation) necessary to maintain the adequacy of the surrounding roadway network.
- L.3 Nearly the entire Study Area will occur in the 100 year floodplain. To mitigate this potential impact all structures in the Study Area must meet the requirements of the National Flood Insurance Program, the City's Flood Damage Prevention Regulations and NYS Floodplain Construction Requirements which requires all structures be raised a minimum of two feet above the base flood elevation.
- L.4 The entire Study Area is vulnerable to sea level rise. At a minimum, structures should be raised an additional two to three feet (elevation 25') to accommodate predicted sea level rise.
- L.5 Development in the Study Area will displace natural communities. The loss of habitat can be mitigated (but not completely) by incorporating forested corridors through the site and maintaining sections of undisturbed habitat immediately along the riverbank to establish the connections between the river and the interior forest.
- L.6 The visual character of the site will be altered by this development plan. Rehabilitation of the Hilton Center and boat launch area as well as construction on the unvegetated parcel adjacent to the boat launch represent improvements to the visual quality of the site.

- L.7 Site layout as well as building materials and landscaping will be designed to complement and enhance the site and the surrounding neighborhood. These elements will be reviewed and approved during the site plan review process.

M. Irreversible and Irretrievable Commitment of Resources

- M.1 The Preferred Alternative represents the conversion of vacant and underutilized land to a developed state with a corresponding removal of woodlands, brush and related habitat. Once developed it is unlikely that the site will revert to woodlands.
- M.2 Construction activities will require the consumption of building materials, equipment, energy, and human resources that will not be available for other uses.

N. Use and Conservation of Energy

- N.1 All construction must meet or exceed NYS Building Construction Code and NYS Energy Conservation Construction Code.
- N.2 Internal circulation will be designed to encourage residents of Kiliaen's Landing to minimize vehicle use between the various elements of the site.
- N.3 Multi-use pathways will connect to existing and planned future pathways south under the Livingston Avenue Bridge and to the north to future trails in the Rensselaer Tech Park and the Rensselaer County Trail System.
- N.4 The installation of car charging stations will be required. The location and number of stations to be specified during site plan review.
- N.5 Proposed structures (with the exception of the Hilton Center) must consider the use of rooftop solar.
- N.6 Landscaping will be designed to reduce the heat island effect such as shading parking areas and sidewalks and the use of light colored pervious or permeable pavers. Buildings will be oriented to take advantage of natural heating and cooling processes.

FUTURE SEQR ACTIONS

According to 6 NYCRR 617.10 of SEQR,

Generic EISs and their findings should set forth specific conditions of criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.

In response to the above, the following outlines the general criteria under which future SEQR actions will take place within the Study Area. As stated in 6NYCRR 617.15(c)(1):

No further SEQR compliance is required if a subsequent site specific action will be carried out in conformance with the conditions and thresholds established for such actions in generic EIS or its findings statement.

Therefore, to satisfy these requirements, future development proposals should be consistent with the criteria specified in the Draft and Final GEIS and as finalized in this Statement of Findings. These criteria include the mitigation measures discussed for each environmental issue.

In the event subsequent proposed actions were adequately addressed in the GEIS but not adequately addressed in the findings statement, an amended findings statement must be prepared. If subsequent proposed actions were not addressed or not adequately addressed in the GEIS and the subsequent actions will not result in any significant environmental impacts, then SEQR requires only that a negative declaration be prepared. However, SEQR requires a supplement to the final generic EIS if:

...the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.

As future development is proposed within the Study Area, the lead agency for each proposed action will be responsible for carrying out the requirements of 6 NYCRR 617. This will require the Lead Agency to interpret the Statement of Findings prepared for the Study Area, as it specifically relates to the development project being proposed. To provide the Lead Agency with sufficient documentation to compare the parameters and impacts of a site specific project with the

Findings Statement, each project that is subject to SEQR (Type 1 or Unlisted Action) must prepare a Full Environmental Assessment Form.

EXHIBIT B
NEGATIVE DECLARATION
- SEE ATTACHED –



CITY OF RENSSELAER

PLANNING COMMISSION

MEETING MINUTES



DATE: January 9th, 2023

TIME: 6:30 PM

REGULARLY SCHEDULED

SPECIAL MEETING

IN PERSON ONLY*

HYBRID*

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

MEMBER	PRESENT	ABSENT
Ray Stevens		
Ed Schillaci	X	
Salena Dabbs	X	
George Farrell	X	
Tom Cardamone		
Fred Weakley	X	
Frank McCullain	X	

STAFF PRESENT

Ketura Vics, Planning Director, Jack Spath, Counsel

CALL TO ORDER

Ed Schillaci called the meeting of the City of Rensselaer Planning Commission to order at 6:32 PM. Roll call was taken and quorum was determined.

APPROVAL OF MINUTES

Motion Made: Salena Dabbs made a motion to approve the December 12th regular meeting minutes. Ed Schillaci seconded the motion. The motion passed unanimously.

Voting Record:

MEMBER	YES	NO	ABSTAIN	RECUSE
Ray Stevens				



CITY OF RENSSELAER

PLANNING COMMISSION

MEETING MINUTES



Ed Schillaci	X			
Salena Dabbs	X			
George Farrell	X			
Tom Cardamone				
Fred Weakley	X			
Frank McCullain	X			

OLD BUSINESS

20 Forbes Avenue: Jonathon DeForest of BBL Inc. is requesting final site plan approval for the adaptive reuse of the former Hilton Center into a mixed use building including 72 apartments and commercial space.

Motion Made: Ed Schillaci made a motion to accept the findings of the traffic study provided by VHB Engineering based on an informed recommendation from City staff (attached). Based on the findings of the traffic study, the Commission determined that the conditions identified in the final GEIS adopted on August 13, 2018 (the "Findings Statement") relating to the 75-acre parcel(s) known as Kiliaen's Landing (the "Study Area") has been satisfied. Therefore, the Commission further determined (1) that the project to be completed by BBL Inc. and located at 20 Forbes Avenue (the "Project") was located within the Study Area, and (2) that the completion of the Project was a "Type I action" which was adequately addressed in the Findings Statement and will not have a "significant effect on the environment" and accordingly, that no further action was required with respect to the Project- George Farrell seconded the motion. The motion passed unanimously, and the Commission therefore issued a Negative Declaration with respect to the Project.

Voting Record:

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



CITY OF RENSSELAER

PLANNING COMMISSION

MEETING MINUTES



Motion Made: Ed Schillaci made a motion to grant final site plan approval to the Barnet Mills redevelopment. George Farrell seconded the motion. The motion passed unanimously.

Voting Record:

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

NEW BUSINESS

1304 Washington Avenue: Uday Patel is requesting preliminary site plan approval to convert the existing gas station and repair shop into a gas station and neighborhood convenience shop

Motion Made: Frank McCullain made a motion to declare the Planning Commission as lead agency and make a Type II determination for this project based on Section 61 7.4(c)(2) of NYCRR, warranting no further action. Salena Dabbs seconded the motion. The motion passed unanimously.

Voting Record:

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



CITY OF RENSSELAER PLANNING COMMISSION MEETING MINUTES



Fred Weakley	X			
Frank McCullain	X			

Motion Made: Frank McCullain made a motion to forego the preliminary phase and grant final site plan approval on the condition that the on-site dumpster has locks and is fully screened by a 6' slatted fence or equivalent. Salena Dabbs seconded the motion. The motion passed unanimously.

Voting Record:

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

50 Herrick Street: McManus Partners, LLC is requesting preliminary site plan approval and an 80% parking waiver to convert the building from religious-exempt to mixed-use, including 49 market rate apartments and 8,000 square feet of commercial

Motion Made: Salena Dabbs made a motion to declare the Planning Commission lead agency and declare the action is Unlisted, warranting the provision of a parking plan before making a determination of significance. George Farrell seconded the motion. The motion passed unanimously.

Voting Record:

MEMBER	YES	NO	ABSTAIN	RECUSE
Ray Stevens				
Ed Schillaci				X



CITY OF RENSSELAER PLANNING COMMISSION MEETING MINUTES



Salena Dabbs	X			
George Farrell	X			
Tom Cardamone				
Fred Weakley	X			
Frank McCullain	X			

Motion Made: Fred Weakley made a motion to grant the 80% parking waiver and preliminary site plan approval on the condition that a complete parking plan be submitted before the project is considered for final site plan approval and referred the project to the Zoning Board of Appeals for a parking variance, need be. Frank McCullain seconded the motion. The motion passed unanimously.

Voting Record:

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

ADJOURNMENT

Motion Made: George Farrell made a motion to adjourn the meeting at 7:34 PM. Frank McCullain seconded the motion. Motion carried, meeting was adjourned.

Voting Record:

MEMBER	YES	NO	ABSTAIN	RECUSE
Ray Stevens				



CITY OF RENSSELAER PLANNING COMMISSION MEETING MINUTES



Ed Schillaci	X			
Salena Dabbs	X			
George Farrell	X			
Tom Cardamone				
Fred Weakley	X			
Frank McCullain	X			

NEXT REGULARLY SCHEDULE MEETING

February 13th, 2023 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.

**Respectfully Submitted,
Ketura Vics, Planning Director**

EXHIBIT C

ENVIRONMENTAL ASSESSMENT FORM

- SEE ATTACHED -

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the **applicant or project sponsor** to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Barnet Mills Mixed Use Development		
Project Location (describe, and attach a general location map): 20 Forbes Ave Rensselaer, tax map# 133.-3-7 and tax map#133.69-1-2		
Brief Description of Proposed Action (include purpose or need): The Applicant will complete a certified historic rehabilitation (certified by SHPO and National Park Service) of the historic William Barnet & Son Shoddy Mill, a series of 8 historically related mill buildings along the Hudson River. The resulting Barnett Mills will be a mixed-use residential and commercial property with 78,286 SF of residential space and 19,996 SF of commercial space. Residential units will be market rate and designed to maximize the views of the river and Albany shoreline. Commercial spaces will be designed to provide services and facilities for businesses serving the boating and marine community that uses the City park and boat launch adjacent to Barnett Mills. Site work to include access roads, sidewalks, parking lots, and utilities as needed.		
Name of Applicant/Sponsor: BBL Barnet, LLC		Telephone: 518 857 1246
		E-Mail: jdeforest@bblinc
Address: 302 Washington Avenue Extension		
City/PO: Albany	State: New York	Zip Code: 12203
Project Contact (if not same as sponsor, give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Bath Springs Development Co., LLC		Telephone: 518 857 0200
		E-Mail: bhart@martinelectric.com
Address: 164 Columbia Turnpike		
City/PO: Rensselaer	State: NY	Zip Code: 12144

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	City of Rensselaer Planning Commission-site plan approval	
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	City of Rensselaer ZBA - area variances special use permit	to be determined
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	City of Rensselaer Building Dept - Permit City of Rensselaer IDA - funding	to be determined
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC-SWPPP	
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	
If Yes, identify the plan(s):	
BBL Barnet LLC has a voluntary application in with NYS DEC to be part of the Brownfield program	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	
If Yes, identify the plan(s):	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? MU-1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? Rensselaer	
b. What police or other public protection forces serve the project site? City of Rensselaer	
c. Which fire protection and emergency medical services serve the project site? City of Rensselaer	
d. What parks serve the project site? Rensselaer	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? mixed use, multi-unit residential, office/retail, restaurant, marine services/storage	
b. a. Total acreage of the site of the proposed action?	6.10 acres
b. Total acreage to be physically disturbed?	0.8 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	6.10 acres
c. Is the proposed action an expansion of an existing project or use? i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Units:
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is a cluster/conservation layout proposed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Number of lots proposed?	
iv. Minimum and maximum proposed lot sizes? Minimum	Maximum
e. Will the proposed action be constructed in multiple phases? i. If No, anticipated period of construction:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 18 months
ii. If Yes:	
<ul style="list-style-type: none"> Total number of phases anticipated Anticipated commencement date of phase I (including demolition) Anticipated completion date of final phase Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: 	

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, show numbers of units proposed.			
<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase			72
At completion			
of all phases			

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures <u>4 buildings</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>28 +/-</u> height; <u>50' +/-</u> width; and <u>220' +/-</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>102,000</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 10,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: City of Rensselaer
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 8,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Rensselaer County wastewater treatment plant
- Name of district: City of Rensselaer
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ 	
• If to surface waters, identify receiving water bodies or wetlands: _____	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ 	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed <u>115</u> Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: <u>TBD</u></p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>National Grid</u></p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7a-6p</u> • Saturday: <u>7a-3p</u> • Sunday: <u>none</u> • Holidays: <u>none</u> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7a-6p</u> • Saturday: <u>7a-3p</u> • Sunday: <u>none</u> • Holidays: <u>none</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7a-6p</u> • Saturday: <u>7a-3p</u> • Sunday: <u>none</u> • Holidays: <u>none</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>construction equipment required to rehab buildings and install roads and utilities during the construction phase</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>typical site lights. 20' tall pole on a 2' tall concrete base</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☒ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4.19	4.42	+0.23
• Forested	1.59	1.53	-0.06
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.32	0.15	-0.17
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Dock	0.05	0.05	0

<p>c. Is the project site presently used by members of the community for public recreation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: explain: _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): Spill #3: 2104385,8806485,0804418, Provide DEC ID number(s): _____ 1300591 </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): 546031, C401083, 442042</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p>	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Explain: _____ 													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ 7 feet													
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">ud</td> <td style="width: 20%; text-align: right;">71 %</td> </tr> <tr> <td>hoe</td> <td style="text-align: right;">18 %</td> </tr> <tr> <td>ue</td> <td style="text-align: right;">11 %</td> </tr> </table>		ud	71 %	hoe	18 %	ue	11 %						
ud	71 %												
hoe	18 %												
ue	11 %												
d. What is the average depth to the water table on the project site? Average: _____ feet													
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	100 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input type="checkbox"/> Poorly Drained	_____ % of site						
<input checked="" type="checkbox"/> Well Drained:	100 % of site												
<input type="checkbox"/> Moderately Well Drained:	_____ % of site												
<input type="checkbox"/> Poorly Drained	_____ % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">71 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td style="text-align: right;">10 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">19 % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	71 % of site	<input checked="" type="checkbox"/> 10-15%:	10 % of site	<input checked="" type="checkbox"/> 15% or greater:	19 % of site						
<input checked="" type="checkbox"/> 0-10%:	71 % of site												
<input checked="" type="checkbox"/> 10-15%:	10 % of site												
<input checked="" type="checkbox"/> 15% or greater:	19 % of site												
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____													
h. Surface water features.													
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either i or ii, continue. If No, skip to E.2.i.													
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 40%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name _____	Approximate Size _____											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
k. Is the project site in the 500-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:													
i. Name of aquifer: Principal Aquifer _____													

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>deer _____</p> <p>rabbit _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>Shortnose Sturgeon</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>	
E.3. Designated Public Resources On or Near Project Site	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: <u>Patroon Agent's House and Office, Clark-Deerstyne-Miller Inn, William Barnet & Son Shoddy Mill Complex, Van Rensselaer...</u> iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No	


F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

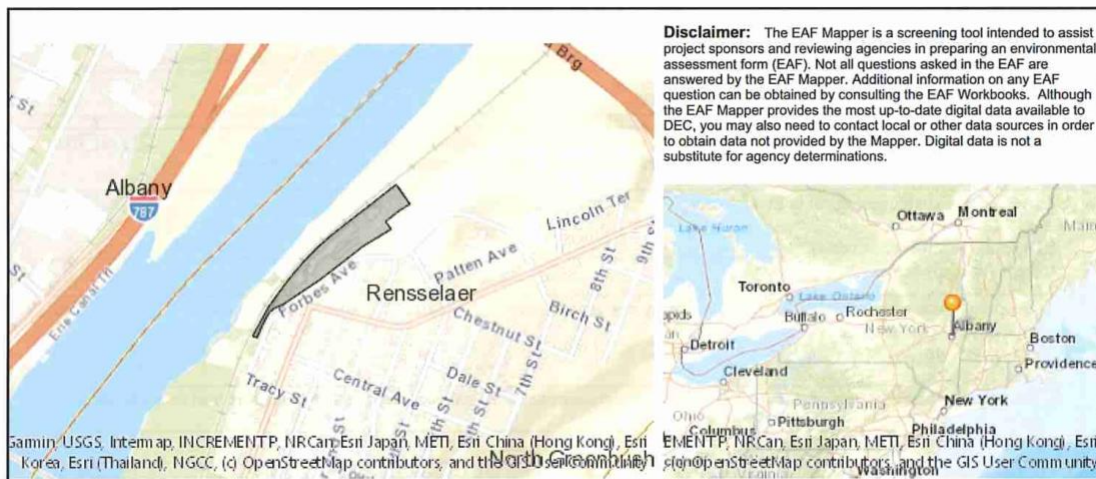
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name <u>BBL Barnett, LLC</u>	Date <u>August 9, 2022</u>
Signature 	Title <u>Authorized Member</u>

PRINT FORM

EAF Mapper Summary Report

Tuesday, August 2, 2022 12:06 PM



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546031, C401083, 442042
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes

E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Shortnose Sturgeon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d. [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Patroon Agent's House and Office, Clark-Deerstyne-Miller Inn, William Barnet & Son Shoddy Mill Complex, Van Rensselaer High School
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**COMMERCIAL/RETAIL FINDINGS RESOLUTION
BBL BARNETT 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 January 23, 2023 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:

None.

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

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

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

Resolution No. 0123-__

RESOLUTION (A) DETERMINING THAT THE PROPOSED BBL BARNETT LLC PROJECT IS A COMMERCIAL PROJECT AND (B) MAKING CERTAIN FINDINGS REQUIRED UNDER THE GENERAL MUNICIPAL LAW.

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, manufacturing 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 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, BBL Barnett 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 a certain parcel of land containing approximately 6.52 acres located at 11 Forbes Avenue and 20 Forbes Avenue (tax map nos. 133.77-3-1; 133.69-1-2; 133.-3-7) in the City of Rensselaer, Rensselaer County, New York (the “Land”), together with eight (8) pre-existing historic mill-buildings (the “Facility”), (2) the reconstruction, renovation and rehabilitation of the Facility, and (3) 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 a mixed-use facility containing approximately 78,286 square feet of space for market-rate residential apartment space and 19,996 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, 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 August 22, 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 September 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 September 15, 2022 on a bulletin board located 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 September 16, 2022 in The Record, a newspaper of general circulation available to the residents of the City of Rensselaer, New York, (D) conducted the Public Hearing on September 26, 2022 at 4:00 o’clock p.m., local time at Rensselaer City Hall located 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”), by resolution adopted by the members of the Agency on January 23, 2023 (the “SEQR Resolution”), the Agency (A) concurred in the determination that the City of Rensselaer Planning Commission (the “Planning Commission”) is the “lead agency” with respect to SEQRA and (B) acknowledged receipt of a negative declaration from the Planning Commission issued on January 9, 2023 (the “Negative Declaration”), in which the Planning Commission determined that the that

the Project was (1) located in the Study Area (as defined in the SEQR Resolution), and (2) a “Type I action” which was adequately addressed in the Findings Statement (as defined in the SEQR Resolution) and will not have a “significant effect on the environment” and therefore, that an environmental impact statement need not be prepared with respect to the Project (as such quoted terms are defined in SEQRA); and

WHEREAS, in Opinion of the State Comptroller Number 85-51, the State Comptroller indicated that the determination whether a project that consists of the construction of an apartment house is a commercial activity within the meaning of the Act is to be made by local officials based upon all of the facts relevant to the proposed project, and that any such determination should take into account the stated purpose of the Act, that is, the promotion of employment opportunities and the prevention of economic deterioration; and

WHEREAS, to aid the Agency in determining whether the Project qualifies for Financial Assistance as a commercial project within the meaning of the Act, the Agency has reviewed the following (collectively, the “Project Qualification Documents”): (A) the Application, including the attached Cost Benefit Analysis; and (B) a letter of support dated November 18, 2022 received by the Agency from the Mayor of the City of Rensselaer expressing support for the Project, which letter is attached hereto as [Exhibit A](#); and

WHEREAS, the Agency has given due consideration to the Project Qualification Documents, and to representations by the Company that although the Project constitutes a project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost, the Project is located within census tract 516 in the City of Rensselaer which is contiguous to distressed census tracts 1 and 515, as that term is defined in Section 854(18) of the Act, and therefore is in a “highly distressed area”; and

WHEREAS, pursuant to Section 862(2)(b) of the Act, the Agency would be authorized to provide financial assistance in respect of the Project provided that the obligation of the Agency to proceed with the Project was subject to certain conditions, including (1) following compliance with the procedural requirements of Section 859-a of the Act, a finding by the Agency that the Project would preserve permanent, private sector jobs in the State of New York or increase the overall number of permanent, private sector jobs in the State of New York and (2) confirmation by the Mayor of the City of Rensselaer of the proposed action by the Agency with respect to the Project; and

WHEREAS, having complied with the requirements of SEQRA and Section 859-a of the Act with respect to the Project, the Agency now desires, pursuant to Section 862(2)(c) of the Act, to make its final findings with respect to the Project and its final determination whether to proceed with the Project;

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

Section 1. Based upon an examination of the Project Qualification Documents and based further upon the Agency's knowledge of the area surrounding the Project and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project:

A. The Project is located in an area having a mixture of residential, not-for-profit, commercial, retail, and service uses.

B. The Project Qualification Documents makes the following comments/findings regarding housing in the City of Rensselaer:

- Encourage investment in urban land and buildings for employment and housing
- Encourage the revitalization of the community by repurposing currently underutilized buildings

C. That undertaking the Project is consistent with the Project Qualification Documents and will assist and maintain current and future residential and commercial development and expansion in the neighborhood area.

D. The Company has informed representatives of the Agency that the Project will result in the retention and creation of employment in the retail, restaurant, entertainment and office operations located in the surrounding areas.

E. The Company has informed the Agency that the Project is expected to create approximately 16 permanent full time jobs and 275 full time equivalent construction jobs during construction of the Project.

F. The Company has informed representatives of the Agency that the Company is not aware of any adverse employment impact caused by the undertaking of the Project.

Section 2. Based upon the foregoing review of the Project Qualification Documents and based further upon the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following determinations with respect to the Project:

A. That although the Project does constitute a project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost, the Project is located in a "highly distressed area" (as defined in the Act).

B. That (1) the Project Facility will provide necessary infrastructure for area employers and businesses, (2) the completion of the Project Facility will have an impact upon the creation, retention and expansion of employment opportunities in the City of Rensselaer and in the State of New York, and (3) the completion of the Project will assist in promoting employment opportunities and assist in preventing economic deterioration in the City of Rensselaer and in the State of New York.

C. That the acquisition, reconstruction, renovation and installation of the Project Facility is essential to the retention of existing employment and the creation of new employment opportunities and is essential to the prevention of economic deterioration of businesses and neighborhoods located in the City of Rensselaer.

D. That the Project constitutes a "commercial" project, within the meaning of the Act.

E. That the undertaking of the Project will serve the public purposes of the Act by preserving and creating permanent private sector jobs in the State of New York.

Section 3. Having reviewed the Public Hearing Report, and having considered fully all comments contained therein, and based upon the findings contained in Section 1 above, the Agency hereby determines to proceed with the Project and the granting of the financial assistance described in the notice

of the Public Hearing; provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Mayor of the City of Rensselaer, New York, as chief executive officer of the City of Rensselaer, New York, shall, pursuant to Section 862(2)(c) of the Act, confirm the proposed action of the Agency with respect to the Project.

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	_____
John DeFrancesco	VOTING	_____
Andrew Kretzschmar	VOTING	_____
William Bulnes	VOTING	_____
Ray Stevens	VOTING	_____

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 January 23, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of January, 2023.

Secretary

(SEAL)

EXHIBIT A

LETTER OF SUPPORT

- SEE ATTACHED -



MICHAEL STAMMEL
MAYOR

CITY OF RENSSELAER

OFFICE OF THE MAYOR

CITY HALL
62 WASHINGTON STREET
RENSSELAER, NEW YORK 12144



(518) 462-9511
Fax: (518) 462-9895

November 18, 2022

City of Rensselaer Industrial Development Agency
62 Washington Street
P.O. Box 243
Rensselaer, New York 12144
Attention: John J. Bonesteel, Chief Executive Officer

Re: City of Rensselaer Industrial Development Agency
Proposed Lease/Leaseback Transaction
BBL Barnett LLC Project

Mr. Bonesteel:

As Mayor of the City of Rensselaer, I write to express my full support for the BBL Barnett LLC project at the historic William Barnet & Son Shoddy Mill. As you are aware, the project entails the redevelopment and renovation of a series of eight historically related mill buildings along the Hudson River. The project represents a great opportunity to revitalize the community as a whole by repurposing an abandoned warehouse into various mixed-use spaces for residential and commercial use. Further, the project will maximize the views of the shoreline for both the City and the surrounding communities.

The City, along with the help of the City of Rensselaer Industrial Development Agency (the "Agency"), has made great progress in improving the downtown area. As you are aware, the City and the greater Capital Region are in need of more housing to support employees and economic growth. The success of this project will bring both residential units and business opportunities to the City, and can open up the area as a whole. Further, the addition of new and improved market-rate housing will attract new and diverse residents to the City.

Additionally, we are confident that the adaptive re-use of the Mill will provide a solid base of customers for other downtown businesses. This support is echoed by other City departments, as demonstrated by the special use permit issued by the City of Rensselaer Planning Commission.

We are hopeful that the Agency can help incentivize this project and see it come to fruition. Market-rate housing and the addition of commercial space are important for the economic revitalization of the City.

Sincerely,

Michael Stammel
Mayor

057198.00003 Business 23067534v1
057198.00003 Business 23067534v1

**APPROVING RESOLUTION
BBL BARNETT 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 January 23, 2023 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:

None.

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

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

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

Resolution No. 0123-__

**RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION
WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR BBL
BARNETT LLC (THE “COMPANY”).**

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, manufacturing 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 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, BBL Barnett 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 a certain parcel of land containing approximately 6.52 acres located at 11 Forbes Avenue and 20 Forbes Avenue (tax map nos. 133.77-3-1; 133.69-1-2; 133.-3-7) in the City of Rensselaer, Rensselaer County, New York (the “Land”), together with eight (8) pre-existing historic mill-buildings (the “Facility”), (2) the reconstruction, renovation and rehabilitation of the Facility, and (3) 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 a mixed-use facility containing approximately 78,286 square feet of space for market-rate residential apartment space and 19,996 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, 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 August 22, 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 September 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 September 15, 2022 on a bulletin board located 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 September 16, 2022 in The Record, a newspaper of general circulation available to the residents of the City of Rensselaer, New York, (D) conducted the Public Hearing on September 26, 2022 at 4:00 o’clock p.m., local time at Rensselaer City Hall located 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”), by resolution adopted by the members of the Agency on January 23, 2023 (the “SEQR Resolution”), the Agency (A) concurred in the determination that the City of Rensselaer Planning Commission (the “Planning Commission”) is the “lead agency” with respect to SEQRA and (B) acknowledged receipt of a negative declaration from the Planning Commission issued on January 9, 2023 (the “Negative Declaration”), in which the Planning Commission determined that the that

the Project was (1) located in the Study Area (as defined in the SEQR Resolution), and (2) a “Type I action” which was adequately addressed in the Findings Statement (as defined in the SEQR Resolution) and will not have a “significant effect on the environment” and therefore, that an environmental impact statement need not be prepared with respect to the Project (as such quoted terms are defined in SEQRA); and

WHEREAS, by further resolution adopted by the members of the Agency on January 23, 2023 (the “Commercial/Retail Finding Resolution”), the Agency (A) determined that the Project constituted a “commercial project” within the meaning of the Act, (B) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making the retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because the Project Facility is located in a highly distressed area, (C) determined, following a review of the 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 (D) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no financial assistance would be provided to the Project by the Agency unless and until the Mayor of the City of Rensselaer, as chief executive officer of the City of Rensselaer, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project; and

WHEREAS, pursuant to Section 862(2) of the Act, prior to providing the Financial Assistance to the Project, the Mayor, as chief executive officer of the City of Rensselaer, New York, must confirm the proposed action of the Agency; and

WHEREAS, the Agency has given due consideration to the Application, and to representations by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in the City of Rensselaer, New York and (B) the completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York; and

WHEREAS, the Agency desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the City of Rensselaer, New York by undertaking the Project in the City of Rensselaer, New York; and

WHEREAS, in order to consummate the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the Agency proposes to enter into the following documents (hereinafter collectively referred to as the “Agency Documents”): (A) a certain lease to agency (the “Lease to Agency” or the “Underlying Lease”) by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company will lease to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the “Leased Premises”); (B) a certain license agreement (the “License to Agency” or the “License Agreement”) by and between the Company, as licensor, and the Agency, as licensee, pursuant to which the Company will grant to the Agency (1) a license to enter upon the balance of the Land (the “Licensed Premises”) for the purpose of undertaking and completing the Project and (2) in the event of an occurrence of an Event of Default by the Company, an additional license to enter upon the Licensed Premises for the purpose of pursuing its remedies under the Lease Agreement (as hereinafter defined); (C) a lease agreement (and a memorandum thereof) (the “Lease Agreement”) by and between the Agency and the Company, pursuant to which, among other things, the Company agrees to undertake the Project as agent of the Agency and the Company further agrees to lease the Project Facility from the Agency and, as rental thereunder, to pay the Agency’s administrative fee

relating to the Project and to pay all expenses incurred by the Agency with respect to the Project; (D) a payment in lieu of tax agreement (the "Payment in Lieu of Tax Agreement") by and between the Agency and the Company, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; (E) a uniform agency project agreement (the "Uniform Agency Project Agreement") by and between the Agency and the Company regarding the granting of the financial assistance and the potential recapture of such assistance; (F) a certain recapture agreement (the "Section 875 GML Recapture Agreement") by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (G) a sales tax exemption letter (the "Sales Tax Exemption Letter") to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance; (H) a New York State Department of Taxation and Finance form entitled "IDA Appointment of Project Operator or Agency for Sales Tax Purposes" (the form required to be filed pursuant to Section 874(9) of the Act) (the "Thirty-Day Sales Tax Report") and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the "Additional Thirty-Day Project Report"); (I) if the Company intends to finance the Project with borrowed money, a mortgage and any other security documents and related documents (collectively, the "Mortgage") from the Agency and the Company to the Company's lender with respect to the Project ("the "Lender"), which Mortgage will grant a lien on and security interest in the Project Facility to secure a loan from the Lender to the Company with respect to the Project (the "Loan"); (J) if the Company intends to request the Agency to appoint (1) the Company, as agent of the Agency and (2) a contractor or contractors, as agent(s) of the Agency prior to closing on the Project and the Lease Agreement, agency and indemnification agreements, interim Section 875 GML recapture agreements, interim sales tax exemption letters and interim thirty-day sales tax reports (collectively, the "Interim Documents"); and (K) various certificates relating to the Project (the "Closing Documents");

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

Section 1. All action taken by the Chief Executive Officer of the Agency with respect to the Public Hearing with respect to the Project is hereby ratified and confirmed.

Section 2. The law firm of Hodgson Russ LLP is hereby appointed Special Agency Counsel to the Agency with respect to all matters in connection with the Project. Special Agency Counsel for the Agency is hereby authorized, at the expense of the Company, to work with the Company, counsel to the Company, counsel to the Agency and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution. Special Agency Counsel has prepared and submitted an initial draft of the Agency Documents to staff of the Agency.

Section 3. The Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act;

(B) The Project constitutes a "project," as such term is defined in the Act;

(C) The Project site is located entirely within the boundaries of the City of Rensselaer, New York;

(D) It is estimated at the present time that the costs of the planning, development, acquisition, construction, reconstruction and installation of the Project Facility (collectively, the "Project Costs") will be approximately \$23,787,027;

(E) The completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York;

(F) Although the Project constitutes a project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost, the Company has represented to the Agency that (i) the Project is located within census tract 516 in the City of Rensselaer which is contiguous to distressed census tracts 1 and 515, as that term is defined in Section 854(18) of the Act and therefore is located within a distressed census tract, and (ii) completion of the Project will serve the public purposes of the Act by increasing the overall number of permanent, private sector jobs in the State of New York;

(G) The granting of the Financial Assistance by the Agency with respect to the Project will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of the City of Rensselaer, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act;

(H) The Agency has reviewed the Public Hearing Report and has fully considered all comments contained therein;

(I) The Project should receive the Financial Assistance in the form of exemptions from sales tax, real property tax and mortgage recording tax based on an evaluation of the Project based on the Agency's Uniform Criteria for Project Evaluation Policy and the description of expected public benefits to occur as a result of this Project, as described on Exhibit A attached hereto; and

(J) It is desirable and in the public interest for the Agency to enter into the Agency Documents, except that for the Interim Documents, the following conditions shall be met prior to the Agency entering into the Interim Documents: (1) the term of the Interim Documents shall not exceed sixty (60) days, unless future extensions are consented to by the Agency in writing, (2) the Company shall have paid the Agency's administrative fee, (3) the Company and any contractors shall have delivered evidence of adequate insurance coverage protecting the Agency and (4) execution by the other parties thereto and delivery of same to the Agency of the Interim Documents.

Section 4. In consequence of the foregoing, the Agency hereby determines to: (A) accept the License Agreement; (B) lease the Project Facility to the Company pursuant to the Lease Agreement; (C) acquire, construct and install the Project Facility, or cause the Project Facility to be acquired, installed and constructed; (D) enter into the Payment in Lieu of Tax Agreement; (E) enter into the Section 875 GML Recapture Agreement; (F) enter into the Uniform Agency Project Agreement; (G) enter into the Interim Documents, subject to compliance with Section 3(J) above; (H) secure the Loan by entering into the Mortgage; and (I) grant the Financial Assistance with respect to the Project; provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Mayor of the City of Rensselaer, New York, as chief executive officer of the City of Rensselaer, New York, shall, pursuant to Section 862(2)(c) of the Act, confirm the proposed action of the Agency with respect to the Project.

Section 5. The Agency is hereby authorized (A) to acquire a license in the Licensed Premises pursuant to the License Agreement, (B) to acquire a leasehold interest in the Leased Premises pursuant to the Underlying Lease, (C) to acquire title to the Equipment pursuant to a bill of sale (the "Bill of Sale to

Agency”) from the Company to the Agency, and (D) to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisitions are hereby approved, ratified and confirmed; provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Mayor of the City of Rensselaer, New York, as chief executive officer of the City of Rensselaer, New York, shall, pursuant to Section 862(2)(c) of the Act, confirm the proposed action of the Agency with respect to the Project.

Section 6. The Agency is hereby authorized to acquire, construct and install the Project Facility as described in the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition, construction and installation are hereby ratified, confirmed and approved; provided, however, that no financial assistance shall be provided to the Project by the Agency unless and until the Mayor of the City of Rensselaer, New York, as chief executive officer of the City of Rensselaer, New York, shall, pursuant to Section 862(2)(c) of the Act, confirm the proposed action of the Agency with respect to the Project.

Section 7. The Chairman or Vice Chairman of the Agency, with the assistance of Agency Counsel and/or Special Counsel, is authorized to negotiate and approve the form and substance of the Agency Documents.

Section 8. (A) The or Chairman or Vice Chairman of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agency Documents, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in the forms thereof as the Chairman or Vice Chairman shall approve, the execution thereof by the Chairman or Vice Chairman to constitute conclusive evidence of such approval.

(B) The Chairman or Vice Chairman of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 10. 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	_____
John DeFrancesco	VOTING	_____
Andrew Kretzschmar	VOTING	_____
William Bulnes	VOTING	_____
Ray Stevens	VOTING	_____

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 January 23, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of January, 2023.

Secretary

(SEAL)

EXHIBIT A

DESCRIPTION OF THE PROJECT EVALUATION AND EXPECTED PUBLIC BENEFITS

BBL BARNETT LLC PROJECT

Pursuant to the City of Rensselaer Industrial Development Agency's (the "Agency") Uniform Criteria for Project Evaluation Policy, the following general uniform criteria were utilized by the Agency to evaluate and select the project for which the Agency can provide financial assistance. In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary's request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of City of Rensselaer, Rensselaer County, New York (the "Public Benefits"):

Description of Evaluation Criteria/Benefit		Applicable to Project (indicate Yes or No)		Criteria Assessment/ Expected Benefit
1.	Estimated value of tax exemptions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The exemptions have been weighed against the cumulative benefits of the Project.</p> <p>NYS Sales and Compensating Use Tax Exemption: \$939,291 Mortgage Recording Tax Exemption: \$166,640 Real Property Tax Exemption: \$2,343,750</p>
2.	Retention direct and indirect of existing jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will increase the level of activity in the City of Rensselaer, thereby promoting the retention of existing jobs.</p> <p>The Company expects that the Project will result in the retention and creation of employment in the retail, restaurant, entertainment and office operations located in the surrounding area.</p>
3.	Creation of direct and indirect new permanent jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will increase the level of activity in the City of Rensselaer, thereby promoting the creation of new permanent jobs.</p> <p>The Project will create 16 new full time equivalent jobs.</p> <p>The Company expects that the Project will result in the retention and creation of employment in the retail, restaurant, entertainment,</p>

				service and office operations located in the surrounding area.
4.	Private sector investment	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Project applicant expects to invest \$15 million of private investment in the Project.
5.	Extent of new revenue provided to local taxing jurisdictions.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will result in new revenue to local taxing jurisdictions under the proposed PILOT program through the City of Rensselaer IDA.</p> <p>Project will result in an increase in assessed value of the Property.</p>
6.	Likelihood of Project being accomplished in a timely fashion	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>High likelihood that Project will be accomplished in a timely fashion.</p> <p>[The project has received full City of Rensselaer Planning Commission approvals.]</p> <p>The Applicant has full site control of the property.</p>
7.	Other:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The Project will create approximately 275 construction jobs.</p> <p>The Project will increase the consumer base to support local businesses and employers.</p> <p>The Project will have a positive revitalizing effect on the community by developing currently underutilized land in a strategically identified neighborhood location.</p> <p>The Project will create market rate apartments, restaurants, and other retail services that would not otherwise be available to the area.</p>