

SEQR Resolution
November 3, 2017
Harbor Point Lodging Associates, LLC

RESOLUTION OF THE CITY OF UTICA INDUSTRIAL
DEVELOPMENT AGENCY ADOPTING A NEGATIVE
DECLARATION FOR THE PURPOSES OF SEQRA RELATING
TO THE HARBOR POINT LODGING ASSOCIATES, LLC
FACILITY.

WHEREAS, Harbor Point Lodging Associates, LLC, on behalf of itself and/or the principals of Harbor Point Lodging Associates, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the City of Utica Industrial Development Agency (the "Agency") to enter into a transaction in which the Agency will assist in the acquisition of a 1.23± acre parcel of land located at 119 North Genesee Street, City of Utica, Oneida County, New York (the "Land"), construction on the Land of a four-story, 89 room hotel and all amenities to service the same (the "Improvements") and the acquisition and installation of equipment in the Improvements (the "Equipment"), all to be used for the purpose of providing a Home2 Suites by Hilton franchised extended-stay, all-suite hotel, and enhancing economic development in downtown Utica (the Land, the Improvements and the Equipment are referred to collectively as the "Facility" and the construction and equipping of the Facility is referred to as the "Project"), and to enter into a lease-leaseback transaction in connection with the Facility; and.

WHEREAS, the Agency by resolution duly adopted on November 3, 2017 (the "Resolution") decided to proceed under the provisions of the Act to lease the Facility and directed that a public hearing be held so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency, or the location or nature of the Facility, could be heard; 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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Agency constitutes a "State Agency" and desires to determine whether the acquisition, construction and equipping of the Facility may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations); and

WHEREAS, to aid the Agency in determining whether the acquisition, construction and equipping of the Facility may have a significant effect upon the environment, the Company prepared and submitted to the Agency an environmental assessment form (the "EAF"), a copy of which was presented to and reviewed by the Agency at this meeting and copies of which are on file at the office of the Agency; and

WHEREAS, the City of Utica Zoning Board of Appeals (the "Lead Agency"), based upon the EAF and other representations and information furnished by the Company regarding the Facility, determined on June 14, 2017, that the action relating to the acquisition, construction, equipping and operation of the Facility was accounted for in the Final Generic Environmental Impact Statement (GEIS), adopted on February 17, 2016 and requires no further measures under SEQR.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based on an examination of the Application and the EAF, based upon the findings and determinations adopted by the Lead Agency, and based further upon the Agency's knowledge of the area surrounding the Facility and such further investigation of the Facility and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Facility:

(A) The Facility is described in the Application, the EAF and the Lead Agency resolution and the supporting documentation attached thereto;

(B) The Facility constitutes a "Type I Action" (as defined in the Regulations);

(C) No potentially significant impacts on the environment are noted in either the EAF for the Facility, and none are known to the Agency;

(D) The Facility will not result in (i) substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of a resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such species; or (iii) other significant adverse impacts to natural resources;

(E) The Facility will not affect a critical environmental area as designated pursuant to 6 NYCRR 617.14(g);

(F) The Facility will not conflict with the community's current plans or goals as officially approved or adopted;

(G) The Facility will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

(H) The Facility will not result in a major change in the use of either the quantity or type of energy;

(I) The Facility will not result in the creation of a hazard to human health;

(J) The Facility will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses;

(K) The Facility will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(L) The Facility will not result in the creation of a material demand for other actions that would result in one or more of the above consequences;

(M) The Facility will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

(N) The Facility will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR Section 617.7(c).

Section 2. The Agency hereby determines that the Facility will not have a significant impact on the environment and the Agency will not require the preparation of an environmental impact statement with respect to the Facility. This determination constitutes a negative declaration for purposes of SEQRA. Notice of this determination shall be filed to the extent required by the applicable regulations under SEQRA or as may be deemed advisable by the Chairman of the Agency or counsel to the Agency.

Section 3. This resolution shall take effect immediately.

STATE OF NEW YORK)
 : ss.:
COUNTY OF ONEIDA)

I, the undersigned Assistant Secretary of the City of Utica Industrial Development Agency DO HEREBY CERTIFY THAT:

I have compared the foregoing copy of a resolution of the City of Utica Industrial Development Agency (the "Agency"), with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

Such resolution was passed at a meeting of the Agency duly convened in public session on November 3, 2017 at 8:30 a.m. at One Kennedy Plaza, Utica, New York, at which the following members were:

Members Present: Vincent J. Gilroy, Jr.
 Emmett Martin
 John Zegarelli

Staff Present: Jack Spaeth

Others Present: Laura S. Ruberto
 Minesh Patel (Harbor Point Lodging Associates, LLC)

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

Vincent J. Gilroy, Jr. voting aye;
Emmett Martin voting aye;
John Zegarelli voting aye.

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and public notice of the time and place of said meeting was duly given in accordance with such Sections 103a and 104, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of June 2019.



Jack N. Spaeth, Assistant Secretary