

RESOLUTION OF THE CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY DETERMINING THAT ACTION TO PROVIDE FINANCIAL ASSISTANCE RELATING TO A PROJECT FOR THE BENEFIT OF SCHMALZ REALTY, LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

WHEREAS, Schmalz Realty, LLC (hereinafter referred to as the "Company") has presented an application (the "Application") to the City of Utica Industrial Development Agency (the "Agency") requesting that the Agency provide financial assistance relating to the acquisition of a 3,408± square foot warehouse building, a two-story office building and warehouse and a gravel paved connecting driveway (collectively, the "Improvements") situated on several parcels of land measuring 0.63± acres in the aggregate located at 1712 Bleecker Street, 1714 Bleecker Street and (no number assigned) Ontario Street, City of Utica, Oneida County, New York (collectively, the "Land"); the partial demolition and renovation of the Improvements; and the acquisition and installation of machinery and equipment in the Improvements (the "Equipment"), all for the purpose of providing commercial and industrial plumbing and HVAC construction and services (the Land, Improvements and Equipment collectively, the "Facility") and the acquisition, renovation and equipping of the Facility is referred to as the "Project"); 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 desires to determine whether the acquisition, renovation 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 therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Agency in determining whether the acquisition, renovation and equipping of the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency a short 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, pursuant to the Regulations, the Agency has examined the EAF order to make a determination as to the potential environmental significance of the Facility.

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, the EAF, 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 as described in the Application and the EAF;

(B) The Facility constitutes an "Unlisted Action" (as defined in the Regulations);

(C) No potentially significant impacts on the environment are noted in 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. As a result, the Agency has prepared a negative declaration with respect to the Facility.

Section 3. The Executive Director of the Agency is hereby directed to file in the Agency's records a negative declaration with respect to the Facility (said negative declaration to be substantially in the form and substantially to the effect of the negative declaration attached hereto).

Section 4. This resolution shall take effect immediately.

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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 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 Board of Directors of the Agency duly convened in public session on September 3, 2019 at 8:30 a.m. local time, at One Kennedy Plaza, Utica, New York at which the following members were:

**Members Present:** Vin Gilroy, Mark Curley, John Zegarelli, Emmett Martin

**Member Excused:** John Buffa

**Also Present:** Jack Spaeth (Executive Director)

**Others:** Laura Ruberto (BS&K – Agency Counsel)

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

Vin Gilroy voting aye;  
Mark Curley voting aye;  
John Zegarelli voting aye;  
Emmett Martin voting aye.

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all directors 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 as of the 30th day of September 2020.

  
Assistant Secretary

**Final Authorizing Resolution  
Schmalz Realty, LLC  
Facility**

Date: September 3, 2019

At a meeting of the City of Utica Industrial Development Agency, Utica, New York (the "Agency"), held at 8:30 a.m. at One Kennedy Plaza, Utica, New York on the 3rd day of September 2019, the following members of the Agency were:

**Members Present:** Vin Gilroy, Mark Curley, John Zegarelli, Emmett Martin

**Member Excused:** John Buffa

**Also Present:** Jack Spaeth (Executive Director)

**Others:** Laura Ruberto (BS&K – Agency Counsel)

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to acquisition of a leasehold interest in and financing of a certain industrial development facility more particularly described below (Schmalz Realty, LLC Facility) and the leasing of the facility to Schmalz Realty, LLC.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

Vin Gilroy voting aye;  
Mark Curley voting aye;  
John Zegarelli voting aye;  
Emmett Martin voting aye.