



ROBERT M. PALMIERI  
CHAIRMAN

BRIAN THOMAS, AICP  
EXECUTIVE DIRECTOR

1 KENNEDY PLAZA  
UTICA, NEW YORK 13502  
PH. 315-792-0181  
FAX. 315-797-6607  
WWW.CITYOFUTICA.COM

# Urban Renewal Agency Meeting Special Agenda May 6, 2021

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(415) 655-0001 US Toll

Meeting number/Access Code: 132 797 0336

Meeting Password: bEWDxvjW678

## **1. Call to Order**

## **2. Approval of Agency Minutes** **April 8, 2021**

## **3. New Business**

**Authorizing Stipulated Final Judgment Advance Payment of \$44,472 be paid to Court Street Development Project, LLC for the Court Street property commonly referred to as Oneida County Tax Map Parcel ID 318.50-1-4**

## **4. Executive Session**

## **5. Adjournment**

**CITY OF UTICA URBAN RENEWAL AGENCY**  
**MEETING MINUTES –April 8, 2021**  
**1 KENNEDY PLAZA, UTICA, NEW YORK 13502**

**MEMBERS ATTENDING:** Mayor Robert M. Palmieri, Councilman Joseph Betrus, Joe Burke, Lonnie Jenkins, Michael Mahoney, Marques Phillips

**OTHERS ATTENDING:** Brian Thomas, Gene Allen, Cathy Mack, Assistant Corporation Council Kate Hartnett

**EXCUSED:** Councilman Robert Burmaster

**CALL TO ORDER:** By Brian Thomas at 9:36 AM

**ITEM #1 Approval of Agency Minutes**

Marques Phillips made a motion to approve the minutes from the March 25, 2021 URA meeting. The motion was seconded by Joe Burke and passed unanimously.

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**New Business**

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**ITEM #2 Public hearing on the acquisition of parcels 318.41-2-38, 318.33-3-11 (411 & 500-504 Columbia St), 318.33-3-15, 318.33-3-16, 318.33-3-18, 318.33-3-19 (502-506 & 402 State St, 510-512 & 508 LaFayette St.), by condemnation.**

A motion was made by Michael Mahoney to open the Public Hearing. The motion was seconded by Joe Burke and passed unanimously.

On Thursday, April 8, 2021 at 9:30 AM, the Utica Urban Renewal Agency (“UURA”) commenced a public hearing (“Public Hearing”) pursuant to Sections 201 and 202 of the Eminent Domain Procedure Law (“EDPL”) and Article 15 of the New York General Municipal Law (the “GML”) at UURA’s offices at 1 Kennedy Plaza, Utica, New York 13502.

At the Public Hearing, UURA considered the proposed acquisition, through condemnation, of those certain parcels of real property in the City of Utica having tax map parcel identification numbers and descriptions as follows:

1. a ± .094-acre parcel of property along Columbia Street commonly referred to as 500-504 Columbia Street, tax map parcel 318.33-3-11 (the “500 Columbia Parcel”) owned by 500 Columbia Street, LLC;
2. a ± 1.09-acre parcel of property along Columbia Street commonly referred to as 411 Columbia Street, tax map parcel 318.41-2-38 (the “JP O’Brien Parcel”) owned by JP O’Brien Plumbing & Heating Supply, Inc.; and
3. ± .426-acres of property along State and LaFayette Streets commonly referred to as 502-506 and 402 State Street and 510-512 and 508 LaFayette Street, tax map parcels 318.33-3-15, 318.33-3-16, 318.33-3-18, and 318.33-3-19 (together, the “Maugeri Parcels”) owned by Michael J. Maugeri and Thomas V. Maugeri.

In light of the growing demand for healthcare, the UURA has determined that the construction and development of a new, state-of-the-art hospital facility and related infrastructure, including parking facilities (the “Project”), within the City of Utica will provide substantial benefit to and be in the best interest of the public. The 500 Columbia Parcel, the JP O’Brien Parcel and the Maugeri Parcels (collectively, the “Parcels”) are within the Project area and UURA is desirous of acquiring the Parcels in furtherance of the Project and UURA’s statutory purposes. UURA has attempted to acquire the Parcels through negotiation by offering the fair market value of the property as determined by a third-party appraisal. UURA now wishes to evaluate and examine the acquisition by eminent domain of the Parcels.

A DEIS and FEIS was prepared for this Type 1 action by the City of Utica Planning Board as lead agency. The DEIS and FEIS find that the Project is in a blighted area of the City. Additionally, the Parcels are located within a federally designated "Historically Underutilized Business" ("HUB") zone.

At the Public Hearing, the UURA further outlined the purposes and necessity for the proposed acquisitions. The Public Hearing was conducted virtually in accordance with Executive Orders of the Governor of New York State number 202.87 and 202.91. The public was welcome and encouraged to attend the Public Hearing via telephone or virtually. Any person that was in attendance at the Public Hearing was given a reasonable opportunity to present an oral or written statement and to submit other documents concerning the proposed project. A record of the hearing will be kept and copies will thereafter be available to the public for examination without cost during normal business hours at UURA's offices.

The first speaker was Thomas V. Maugeri

The second speaker was Thomas Maugeri (cousin of the first speaker)

The third speaker was Michael Cancilla

Chris McDonald, outside council to UURA was asked explain the next steps in the Eminent Domain process. He explained that the UURA has 90 days in which to consider and deliberate the conditions and findings of this hearing and that all parties may continue negotiations during and after the 90 days.

There being no further speakers a motion was made by Michael Mahoney to close the public hearing. The motion was seconded Lonnie Jenkins and passed unanimously.

**ITEM #3            Transfer of Developer Status – 400 Rutger Street**

This property was purchased by Nhung VanSlyke in 2016. Mr. VanSlyke would like to transfer ownership of the property to D Block 21 LLC aka Merima Smajic. For the record Merima Smajic is an employee of the City of Utica. Currently the property has not been issued a Certificate of Completion from the URA and Merima agrees to fully undertake the redevelopment proposal submitted by Mr. VanSlyke back in 2016. There are currently 5 apartments in the property and Merima will be taking it down to 4 units and using it for rental/income property.

Joe Burke made a motion to accept the transfer of developer status. The motion was seconded by Councilman Joseph Betrus and passed unanimously.

**ITEM #4            Adjournment**

Marques Phillips made a motion to adjourn the meeting at 10:06 AM. The motion was seconded by Councilman Joseph Betrus and passed unanimously.

Respectfully submitted this 8th day of April, 2021 by Gene A. Allen

## **New Business**

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### **Authorizing Stipulated Final Judgment Advance Payment of \$44,472 be paid to Court Street Development Project, LLC for the Court Street property commonly referred to as Oneida County Tax Map Parcel ID 318.50-1-4**

On November 14, 2019, the UURA adopted Determinations and Findings pursuant to Eminent Domain Procedure Law (EDPL) Article 2, which found that the acquisition of the property by eminent domain would serve a public purpose.

On or about November 13, 2020, the Appellate Division, Fourth Department, issued a Memorandum and Order upholding the UURA's Determination and Findings under EDPL, thereby allowing the acquisition of the property through eminent domain to continue.

In March, 2021, UURA took the next steps to acquire the property through eminent domain and pursuant to EDPL Article 4 by asking the Court's permission to file the necessary Acquisition Map for the property and thereby take title to said property.

In negotiation between attorneys for UURA and Court Street Development Project, LLC, (CSDP) it has been tentatively proposed that UURA will make an advance payment of \$44,472 to CSDP; that figure represents the amount of UURA's highest approved appraisal of the just compensation for the property. Board approval of this expenditure is necessary. Upon filing of this advance payment, UURA can then file the Acquisition Map and take title to the property in question. CSDP will then have up to one (1) year to file further claims seeking additional compensation beyond the advance payment.