

**City of Utica
Industrial Development Agency
Application**

The information required by this form is necessary to determine the eligibility of your project for IDA benefits. Please answer all questions; insert "NONE", or "NOT APPLICABLE", where necessary. If an estimate is given, put "EST." after the figure. Attach additional sheets if more space is needed for a response than is provided. Return three copies of this application to the City of Utica Industrial Development Agency.

Once submitted with the IDA, this Application becomes public information and will be published on the IDA's website. If the applicant deems any information requested to be exempt from FOIL, please answer the question "CONFIDENTIAL" and submit the information on a separate attachment marked confidential and provide the statutory exemption

A project financed through this Agency involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project.

**PART I
Applicant**

Applicant's legal Name: RED Adirondacks LLC

Principal Address: 2214 Whitesboro Street

Utica, NY 13502

Project Address: 2214 Whitesboro Street

Utica, NY 13502

Telephone Number(s): 917-374-3521

Federal Identification Number: 37-1315246

Company IRS Filing Office Location: NYC

Company Officer completing this application:

Name: Anthony Morali

Title: Princilpal

Phone: 917-374-3521 cell 212-219-2091 office

Email: Amorali@moraliarchitecture.com

1. A. **Is the applicant a:**

() Corporation: If YES, Public () Private (x)
If a PUBLIC Corporation, on which exchange is it listed?

() Sole Proprietorship
() Partnership
(x) Subchapter S
() DISC
() Other (specify) _____

B. State of incorporation/organization, if applicable: _____

2. **Stockholders, Directors, Officers, Partners or Members**

A. Provide the following information in regard to principal stockholders or parties:

<u>Name</u>	<u>Home Address</u>	<u>Percentage of Ownership</u>
Anthony Morali	505 8th Avenue, New York, NY	75%
Kevin Hughes	1904 Oriskany St W, Utica, NY	25%

B. Provide the following information in regard to officers and directors:

<u>Company Officer</u>	<u>Name and Home Address</u>	<u>Other Principal Business Affiliation</u>

- C. Is the applicant or any of the persons listed in 2(A) above related, directly or indirectly, to any other entity by more than 50% common ownership? If also, indicate name of such entity and the relationship.

N/A

- D. Is the applicant affiliated with any other entity, directly or indirectly, other than as indicated in response to paragraph C above? If YES, please indicate name and relationship of such other entity and the address thereof:

N/A

3. **Applicant's accountant**

Name and Title: Eric Vega

Name of Firm: Elite Accounting

Address: 150 Broadway, Suite 900
New York, New York

Telephone Number: 347-706-8510 Email: eric@eliteaccounting.orp

4. **Applicant's attorney**

Name and Title: Adam Rothkrug

Name of Firm: Rothkrug, Rothkrug & Spector

Address: 55 Watermill Lane Suite 200
Great Neck, NY

Telephone: 56-487-2252 Email: _____

5. **References** (Individuals and institutions in this section may be contacted)

A. Banking/Financial Institution:

<u>Name of Institution</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
Chase Bank	475 W 23 St New York, NY	Yong Shall

B. Business suppliers (list three largest accounts)

<u>Name of Supplier</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
BGM	315-735-9261	
Venus	646-248-7050	
NP Environmental	315-292-0594	

C. Major customers (list three largest)

<u>Name of Customer</u>	<u>Address and Phone Number</u>	<u>Account Officer/ Contact Person</u>
Venus		
NP Environmental		

6. **Business Description**

A. Describe nature of business and principal products and/or services:

Development of 100,000 +/- sq ft former factory into upper-end residential loft apartments,

There will be 35 upper-end residential units of varied size between 1,200 - 3,000sf

which will occupy 55,000+/- sf of the building.

There will be 5,000+/-sf of retail space and indoor parking containing 25,000+/- sf along with a fitness center and common space such as indoor recreation and multi-purpose room with lounge and small kitchen.

B. Describe the geographical market(s) served:

Utica and surrounding area

7. **Present location(s) of business operations**

A. List present location(s):

1. 2214 Whitesboro Street, Utica, NY

2.

3.

B. For what purpose is each of these used?

1. Apartment/ Retail/ Parking

2.

3.

C. For each of your present locations which are RENTED, provide the following information:

D. Name of Landlord

Landlord's Address

Landlord's

Telephone Number

1. N/A

2.

3.

Amount of Space

Annual Rental

Lease Termination Date

1. N/A

2.

3.

E. For each of your present locations which you OWN, provide the following information:

	<u>Location</u>	<u>Annual Mortgage Payment</u>	<u>Termination Date</u>
1.	2214 Whitesboro St, Utica	None	
2.			
3.			

F. List which of your present locations, if any, will be vacated if IDA approval for your project is given:

N/A

If any of these locations will be sublet or sold, provide information concerning your ability to do so:

N/A

PART II

Reasons for Project

Please explain in detail why you want to undertake this project and define scope of project:

Opportunity to enhance and develop housing needs not available
in the City of Utica. The existing building has been vacant for more than 10 years
and without renovation would continue to deteriorate at the entrance to the city. This
project also provides new housing options in the western section of the city and
would be an anchor for improving the western section of the city.

According to recent studies by the City of Utica and Oneida County, there is a shortage of quality housing in the City.

We are hoping that this project will fulfill some of that need.

Why are you requesting the involvement of the IDA in your project?

To allow the units to be affordable to a larger segment of the market by passing tax savings to
apartment occupants and construct renter amenities to the units via the sales tax savings during
construction. Without a PILOT the project would have to be drastically scaled back.

How will the applicant's plans be affected if IDA approval is not granted?

The quality of the project would be reduced. The price to the apartment occupants would also be increased. Also, without a PILOT, the tax burden would be greater than similar priced properties in the market.

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

☒ Yes or ☐ No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency: Partially - Smaller project with less amenities at greater price to the apartment occupants.

Identify the assistance being requested of the Agency (select all that apply):

- | | | | | | |
|----|----------------------------------|-------------|--------|-------------|----|
| 1. | Exemption from Sales Tax | <u>X</u> | Yes or | <u> </u> | No |
| 2. | Exemption from Mortgage Tax | <u>X</u> | Yes or | <u> </u> | No |
| 3. | Exemption from Real Property Tax | <u>X</u> | Yes or | <u> </u> | No |
| 4. | Tax Exempt Financing * | <u> </u> | Yes or | <u>X</u> | No |

* (typically for not-for-profits & small qualified manufacturers)

A. **Type of Project**

Check category or categories best describing your project (O - Owner) and all end-users (T – Tenant(s)) and the square footage of each:

	Manufacturing		sf
	Industrial (Assembly or Service)		sf
	Research and Development		sf
	Warehousing		sf
	Commercial		sf
	Pollution Control		sf
T	Housing	65,000	sf
O	Back Office	1000	sf
	Facility for Aging		sf
	Multi-Tenant		sf
T	Retail	5,000	sf
T	Recreational	Gym, lounge 4,000	sf
T	Other (specify)	Parking 25,000	sf
	Total		sf

B. **Description of Proposed Project**

Check all appropriate categories which apply to the proposed project:

- | | | |
|--|--|---|
| 1. Acquisition of land | YES(<input checked="" type="checkbox"/>) | NO() |
| 2. Acquisition of existing building | YES(<input checked="" type="checkbox"/>) | NO() |
| 3. Renovations to existing building | YES(<input checked="" type="checkbox"/>) | NO() |
| 4. Construction of addition to existing building | YES() | NO(<input checked="" type="checkbox"/>) |
| 5. Demolition | YES(<input checked="" type="checkbox"/>) | NO() |
| 6. Construction of a new building | YES() | NO(<input checked="" type="checkbox"/>) |
| 7. Acquisition of machinery and/or equipment | YES(<input checked="" type="checkbox"/>) | NO() |
| 8. Installation of machinery and/or equipment | YES() | NO(<input checked="" type="checkbox"/>) |
| 9. Other (specify) _____ | YES() | NO() |

C. What is the zoning classification of the proposed site?

Industrial

- D. For what purpose was the site most recently used (e.g. light manufacturing, heavy manufacturing, assembly, etc.)?

Vacant - former manufacturing

E.	<u>Location(s)</u>	<u>Street Address</u>	<u>Number of Floors/ SF/floor</u>
	2214 Whitesboro St	Utica, NY	3 stry/ 100,000 sq ft

- F. Is the site in a former Empire Zone? (X) Yes () No

Is the business Empire Zone certified at this location: () Yes (X) No

Will the project contain an on-site Child Care component? () Yes (X) No

Is the proposed project located within the boundary of a Central New York Regional Transportation (Centro) District? (X) Yes () No

- G. 1. Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings and other existing structures or facilities) and attach plot plans, photos or renderings, if available.

See provided sketches - Riverloft.com

2. If construction or renovation work on this project has already begun, please describe the work in detail.

Environmental clean-up complete

Final site plan approval from Planning board granted

New water service installed

3. What is the estimated useful life of the:

a. Facility: 100 Years

b. Equipment: 50 +Years

H. List the principal items or categories of equipment to be acquired as part of the project.
New Electrical, water service, heat pump system, new windows, new
sprinkler and life safety equipment

I. If any of this equipment has already been purchased or ordered, please attach all invoices and purchase orders and list amounts paid and dates of expected delivery as well as a brief description:

J. If the construction or operation of the proposed project will require any local ordinance or variance to be obtained or requires a permit or prior approval of any state or federal agency or body (other than normal occupancy/construction permits), please specify:
final site plan approval granted by planning board and zoning board approval.

K. Will the project have a significant effect on the environment, YES () NO (X). If YES, please describe the effect. **Important: please attach Environmental Assessment Form to this Application**

L. Will a related real estate holding company, partnership or other entity be involved in the ownership structure of the Transaction? YES () NO (X) If YES, please explain:

Future residential condominium board

M. 1. With regard to the present owner of the project site, please give:

Name: RED Adirondacks LLC

Address: 2214 Whitesboro Street
Utica, NY

Telephone Number: 212-219-2091

2. If the applicant already owns the project site, indicate:

a. date of purchase: August 2022

b. purchase price: \$ 300,000

3. If the project site is mortgaged, please indicate:

a. balance of mortgage: N/A

b. holder of mortgage: N/A

N. Is there a relationship, legally, by virtue of common control, or through related persons, directly or indirectly, between the applicant and the present owner of the project site?

YES (X) NO () If YES, please explain:

Same

O. Is the company currently a tenant in the building to be occupied?

YES () NO (X)

P. Are you planning to use/develop the entire proposed facility?

YES (X) NO ()

If NO, give the following information with respect to present tenants:

1. Present Tenant Information

a.	<u>Name of Business</u>	<u>Floors Occupied</u>	<u>Square Feet Occupied</u>	<u>Nature of Tenant's Business</u>
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N/A

b. Which of the above tenants will be vacating upon your initial use of the facility? How many jobs will be affected?

<u>Name of Firm</u>	<u>Jobs</u>	<u>Square Footage Now Occupied</u>
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N/A

c. For those tenants who will remain after your initial occupancy of the site, provide the following transaction:

<u>Name of Tenant</u>	<u>Term of Lease</u>	<u>Renewal Options</u>	<u>Square Footage Now Occupied</u>
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N/A

Are any of the above tenants related to the owner of the facility? YES () NO ()

d. If the applicant will be occupying the premises of any of the tenants listed in (c) when their lease expires, please list.

N/A

e. Please provide copies of all present lease(s) at the proposed project site.

- f. Do you propose to lease part of the project facility to firms not presently tenants?

YES (X) NO () If YES, provide details of your proposals:

A small office will be on site. 1,000 sq ft which could be used by tenants

- g. Will the project result in either (a) the removal of an industrial or manufacturing plant of any project occupant from one area of the state to another area of the state, or (b) in the abandonment of one or more plants or facilities of any project occupant located within the state? YES () NO (X)

If the answer is YES, please explain briefly the reasons for the move.

Is the proposed project reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the State of New York?

YES () NO (X)

Is the proposed project reasonably necessary to preserve the competitive position of the project occupant in its respective industry? YES (X) NO ()

- h. If any of the parties who will be tenants in this project are related to or affiliated with the applicant, please identify them:

Architect office on site.

1. Please attach any written agreements (e.g., options, purchase contracts, invoices, etc.) concerning the acquisition of the real property or equipment for this proposed facility.

2. Employment *

- a. List your present employment in the City of Utica, if any, and an estimate of the employment at the proposed facility at the end of two years. NOTE: New York State considers Full Time employment as 35 hours or more. Full-time jobs, plus the combination of two or more part-time jobs that, when combined together, constitute the equivalent hours of a full-time position (35 or more hours).

Employment	Current # of applicant's jobs at/or to be located at proposed project location	Number of FTE jobs to be RETAINED	Number of FTE jobs to be CREATED two years after project completion	Estimate number of residents in Labor Market Area that will fill projected jobs two years after project completion
Full-Time (FTE)	0	0	8	8

The Labor Market Area consists of the following counties: Oneida, Lewis, Herkimer, Otsego, Madison and Oswego

- b. Characterize the labor force to be associated with this project location according to the following categories:

Category	Current/ Anticipated	Avg Salary or Salary Range	Avg Fringe Benefits or Range
Officers	1	50,000	22,000
Sales/Supervisory	1	100,000	44,000
Clerical	1	25,000	11,000
Plant/Production			
Other (specify)	5	30,000	13,200

Notes: The five 'Other' jobs will be that of tenant that occupies 5,000 sf commercial space.

- c. Estimate the Annual Payroll for the employees associated with the project location.

Currently	End of Year One	End of Year Two
\$	\$ 50,000	\$ 175,000

* Company/Applicant will be required to submit Annual Project Monitoring Reports (attached) along with a copy of the NYS 45 (four quarters) for a minimum of five (5) years for any commercial project and ten (10) years for any industrial/manufacturing project, or for the length of UIDA involvement in the project. Annual Project Monitoring Reports will be compared to employment counts as stated above and companies whose reported counts fall below those levels above will be subject to the Agency's Recapture Provisions Policy.

Sources of Funds for Project Costs:% of Total
project costs

Bank Financing:	\$ <u>4,000,000</u>	<u> </u>
Equity (excluding equity attributed to grants/tax credits)	\$ <u>1,500,000</u>	<u> </u>
Tax Exempt Bond Issuance (if applicable)	\$ <u> </u>	<u> </u>
Taxable Bond Issuance (if applicable)	\$ <u> </u>	<u> </u>
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ <u>requesting grant</u>	<u> </u>

Identify each state and federal grant/credit:

ESD Grant\$ Economic Capital Grant\$ Dunlop Building CFA # 129689\$ 440,000 requested\$

Total Sources of Funds for Project Costs:	\$ <u>5,500,000</u>	<u>100%</u>
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Have any of the above costs been paid or incurred as of the date of this Application?

☒ Yes ☐ No. If Yes, describe particulars: Elec, plumbing, water services,HVAC split system, sprinkler system, hot water heat pump**Mortgage Recording Tax Exemption Benefit:** Amount of mortgage that would be subject to mortgage recording tax:Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 4,000,000Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage \$ 30,000

Amount as indicated above multiplied by 0.75%):

Please Note: The New York State General Municipal Law was recently amended to reflect that industrial development agencies are not exempt from the additional mortgage recording tax of .25% that is assessed to properties that are located within a regional transportation district. Oneida County is located within the Central New York Regional Transportation District; as such, all UIDA projects will be exempt from .75% of mortgage recording tax, but must pay .25% of mortgage recording tax, which will be directed to the Transportation District.

3. Estimated Project Cost

Listed the costs necessary for the construction, acquisition or renovation of the project (this should NOT include working capital needs, moving expenses, work in progress, stock in trade, applicant's debt repayment, real estate broker fees or your legal fees):

Acquisition of Land	\$ _____
Acquisition of Building(s)	\$ _____
Renovation Costs	\$ <u>4,850,000</u>
New Construction of Buildings	\$ _____
Machinery and Equipment (taxable) (other than furniture costs)	\$ <u>500,000</u>
Machinery and Equipment (non-taxable)	\$ _____
Furniture and Fixtures	\$ _____
Installation Costs	\$ <u>150,000</u>
Architectural/Engineering Fees	\$ <u>75,000</u>
Fees (other than your own counsel and brokerage fees)	\$ _____
Interest on Interim Financings	\$ <u>250,000</u>
Other (specify) _____	\$ _____

Total Project Cost	\$ <u>5,500,000</u>

UIDA Agency Fee \$ 12,845 (to be computed by UIDA)

Sales and Use Tax: Gross amount of costs for goods and services that are subject to State and local Sales and Use tax - said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ 2,100,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):

\$ 183,750

4. Real Estate Taxes

List separately the proposed project's Real Estate Taxes and/or Assessed Value as it applies to land and building:

Project's	Real Estate Taxes	Assessed Value
Land(s)	\$ 2,893	\$ 40,610
Building(s)	\$ 175,232	\$ 2,459,390
Total	\$ 178,125	\$ 2,500,000

Calculate the value of the PILOT exemption anticipated for the project described:

\$ 1,059,968

5. Project Schedule

Indicate the estimated dates for the following:

- a. Construction commencement: 11/24
- b. Construction completion: 6/26
- c. Project financing: List the dates and in what amounts the estimated funds will be required:
Sept 2025 - \$1.0M, Nov 2025 - \$1.0M, Jan 2026 - \$1.0M
Apr 2026 - \$1.0M
- d. Indicate the name of the incorporated municipality in which the facility will be located and the applicant's (or any related entity's) estimated capital expenditures in such municipality during the past three years:
City of Utica - \$300,000+/-
- e. What do you expect the applicant's (or any related entities) capital expenditures to be in the above municipality during the next three years (including this project):
\$5,500,000

- f. If the applicant or any related entity has previously secured the benefit of tax exempt financing in the City of Utica, whether through IDA, the New York Job Development Authority or any other entity, please explain (indicate date, location of financed facility, and outstanding balance):

N/A

- g. Has the applicant or any related entity received the benefit of tax exempt financing anywhere within the United States within the past 90 days or is the applicant or any related entity contemplating the receipt of such financing assistance within the next 90 days? YES () NO () if YES, please explain.

NO

6. Project Financing Efforts

IT IS THE APPLICANT'S RESPONSIBILITY TO SECURE A PURCHASER FOR IDA BONDS ISSUED IN CONJUNCTION WITH THIS PROJECT. Below are a series of questions relating to your efforts to secure financing for your project if IDA approval is granted.

- A. Has the applicant contacted any bank, financial/lending institution or private investor in regard to the financing for this project? YES (x) NO () If YES, please give details:

Eastern Union - Brooklyn, NY

Trevor Cole - NYC

B. Have you obtained a financial commitment for this project? YES () NO (X)

1. If YES, please briefly describe this commitment and attach related correspondence:

Working with groups above to secure financing

2. If NO, please explain how you will be able to finance this project:

C. Are there any other governmental agencies that you have contacted concerning financial assistance in regard to your proposed project? YES (X) NO () If YES, please explain:

NYS ESD Grant

D. 1. Will the applicant's obligations be guaranteed, and if so, by whom?

Yes, building collateral as well as personal guarantees

2. Is the guarantor related to or affiliated with the applicant?

Anthony Morali

E. Financial Information (Attach the Following).

1. Financial Statements for the last three fiscal years.
2. Pro forma Balance Sheet as at start of operations at project site.
3. Projected Profit and Loss Statements for first two years of operation at project site.
4. Projected "Cash Flow" Statement, by quarters, for first year of operation at project site.

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that this Application be submitted for review to the City of Utica Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the Application can be granted solely by this Agency's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

1. **Annual Sales Tax Filings.** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
2. **Annual Employment Reports.** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site as well as tax benefits received with the action of the Agency. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
3. **Absence of Conflict of Interest.** The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
4. **Hold Harmless.** Applicant hereby releases the Agency and its members, officers, servants, agents and employees from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax

exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.
13. Applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that you have certain obligations as related thereto pursuant to Section 224-a(8)a) of the New York Labor Law.

STATE OF NEW YORK)

) ss.:

COUNTY OF ONEIDA

_____, being first duly sworn, deposes and says:

1. That I am the _____ (Corporate Officer) of _____ (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this ____ day of _____, 20__.

(Notary Public)

If the application has been completed by or in part by other than the person signing this application
for the applicant please indicate who and in what capacity:

By: _____

Name: _____

Title: _____

Date: _____

**Return the original application materials with a check in the amount of \$300.00
made payable to: Utica Industrial Development Agency, 1 Kennedy Plaza, Utica,
New York 13502, Attn.: Jack N. Spaeth, Executive Director.**

**UTICA INDUSTRIAL DEVELOPMENT AGENCY
COST/BENEFIT ANALYSIS
Required by §859-a(3) of the
New York General Municipal Law**

TO BE ATTACHED TO AND MADE PART OF APPLICATION TO THE AGENCY

Name of Applicant: RED Adirondacks, LLC

Address of Project: 2214 Whitesboro St., Utica, NY 13502

Description of Project:

This project is an adaptive reuse initiative. The goal is to rehabilitate a former factory building.

There will be 35 upper-end residential units of varied size between 1,200 - 3,000sf which will occupy 55,000+/- sf of the building.

There will be 5,000+/-sf of retail space and indoor parking containing 25,000+/- sf along with a fitness center and common space such as indoor recreation and multi-purpose room with lounge and small kitchen.

Name of all Sublessees or Other Occupants of Facility:

Principals or Parent Company of Applicant:

Antonio Morali

Kevin Hughes

Principals of any Sublessee or Occupant:

N/A

Product/Services of Applicant:

The applicant is a real estate development company that purchases, renovates and leases or sells the rehabilitated properties.

Estimated Completion Date of Project: 5/1/2026

Type of Financing/Structure: _____ Tax-Exempt Financing
_____ Taxable Financing
☒ Lease/Leaseback, Sale/Leaseback
_____ Other

Explain: _____

Types of Benefits**Expected to Receive:**

☐ Tax-Exempt Bonds
☒ Sales Tax Until Completion Date
☒ Mortgage Tax Abatement
☒ Real Property Tax Abatement

Project Costs - Capital Investment

Land	\$ 100,000	Cost per Acre \$ _____
Existing Building	\$ 200,000	
Rehab of Existing Building	\$ 3,125,000	
Construction of New Building	\$ _____	Cost per Sq Ft \$ _____
Addition or Expansion	\$ _____	Cost per Sq Ft \$ _____
Engineering and Architectural Fees	\$ 350,000	
Equipment (detail below)	\$ 1,500,000	
Legal Fees		
Bank, Bond, Transaction, Company, Credit Provider, Trustee	\$ 150,000	
Finance Charges		
Title Insurance, Environmental Review, Bank Commitment Fee, Appraisals, etc.	\$ 75,000	

TOTAL COST OF PROJECT

\$ 5,500,000

Type of Equipment to be Purchased

Electrical, HVAC, Plumbing, security/fire/safety
elevator

Grants or Loans expected to be received (by who and amount)

Energy efficient items	\$ 440,000
_____	\$ _____
_____	\$ _____

Company Information

Existing Jobs	0
Created Jobs (by year 3)	8
Retained Jobs	0

BENEFITS

Taxable Goods and Services

		Spending Rate	Wages	Expenditures	Sales Tax Rate	State/ Local Sales Tax Revenues
Direct Jobs						
<u>3</u>	Created	36.0%	x <u>200,000</u>	= <u>72,000</u>	x 8.75%	= <u>6,300</u>
	Existing	36.0%	x _____	= _____	x 8.75%	= _____
Indirect Jobs						
<u>5</u>	Created	36.0%	x <u>200,000</u>	= <u>72,000</u>	x 8.75%	= <u>6,300</u>
	Existing	36.0%	x _____	= _____	x 8.75%	= _____
<u>70</u>	Construction	36.0%	x <u>3,150,000</u>	= <u>1,134,000</u>	x 8.75%	= <u>99,225</u>
(see below)	Totals		<u>3,550,000</u>	<u>1,278,000</u>		<u>111,825</u>
				x 3 years =		<u>335,475</u>

Real Property Taxes

Local (3 year) real property tax benefit (assuming 50 % of jobs existing and created own a residence with an average assessment of \$ 75,000 and the remainder of jobs existing and created pay real property taxes through rent based on an average assessment per apartment of \$ 25,000

Current tax rate = 71.25 per \$1000 of AV

Real Property Taxes Paid

\$ 85,500

3 Yr Comparative Benefits

\$ 422,253

COSTS

Real Property Taxes Abated on Improvements only (3-year period) \$ 489,901

Mortgage Tax Abated \$ 30,000

Estimated Sales Tax Abated During Construction Period \$ 183,750

3 Yr Comparative Costs

\$ 703,651

Calculation of Construction Jobs: Total project hard construction costs x .45 = Total Labor Costs / Construction term (in months) = Labor costs per month / \$3,750 (approx. average construction salary of \$45,000 per year / 12 months) = Number of construction employees. Use the Total Labor Costs as Construction Wages above.

**City of Utica Industrial Development Agency
One Kennedy Plaza, Utica, New York 13502**

RETAIL DETERMINATION

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

- A.** Will any portion of the project consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

☒ Yes or ☐ No. If the answer is yes, please continue.

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

- B.** What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? _____ %
If the answer is less than 33% do not complete the remainder of the retail determination.

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

1. Will the project be operated by a not-for-profit corporation ☐ Yes or ☐ No.

2. Is the Project location or facility likely to attract a significant number of visitors from outside the City of Utica?

☐ Yes or ☐ No

If yes, please provide a third party market analysis or other documentation supporting your response.

3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

☐ Yes or ☐ No

If yes, please provide a third party market analysis or other documentation supporting your response.

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

☐ Yes or ☐ No.

If yes, explain _____

5. Is the project located in an area that has been designated an Empire Zone? ☐ Yes or ☐ No

The undersigned hereby certifies that the information contained in this Retail Determination is true, accurate and complete.

Print Name of Applicant: _____

Print Name of Authorized Representative: _____

Title: _____

Signature: Antonio Morale'

Date: _____

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: River Loft		
Project Location (describe, and attach a general location map): 2214 Whitesboro Street Utica, NY (See attached)		
Brief Description of Proposed Action (include purpose or need): Re-use existing two story building as Commercial (Office - No change) 3 story existing brick/heavy timber portion change of use from Manufacturing (Warehouse) to 1st Fl Commercial (Retail & indoor parking); 2nd Fl - 3rd Fl Residential (Loft apartments) 6 story concrete building change of use to Commercial (Office/Retail) 10 story existing Manufacturing tower change of use to Commercial (Hotel, Spa and Eating/drinking establishment)		
Name of Applicant/Sponsor: 579-581 E 39 LLC	Telephone: (347)234-3745 E-Mail: carlo914@aol.com	
Address: 26 Cobeck Court		
City/PO: Brooklyn	State: NY	Zip Code: 11223
Project Contact (if not same as sponsor; give name and title/role): Anthony Morali - Architect	Telephone: (917)374-3521 E-Mail: amorali@moraliarchitecture.com	
Address: 505 8th Ave. Suite 2202		
City/PO: New York	State: NY	Zip Code: 10018
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

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 Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Utica Town Planning Board	
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oneida County Planning	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" 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? ☐ Yes ☒ No

- 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? ☐ Yes ☒ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ 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?) ☐ Yes ☒ No

If Yes, identify the plan(s):

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? ☐ Yes ☒ No

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. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Urban Mixed Use District

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? City of Utica School District

b. What police or other public protection forces serve the project site?

City of Utica Police Department

c. Which fire protection and emergency medical services serve the project site?

City of Utica Fire Department

d. What parks serve the project site?

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: Office, Retail (Eating and Drinking Establishment), and Residential Apartments all with accessory parking.

b. a. Total acreage of the site of the proposed action? 3.7 acres

b. Total acreage to be physically disturbed? 0 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.7 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? 3 Lot 60.1, Lot 60.2, Lot 60.3

iv. Minimum and maximum proposed lot sizes? Minimum 30,753 SF Maximum 70,432 SF

e. Will the proposed action be constructed in multiple phases? ☒ Yes ☐ No

i. If No, anticipated period of construction: 18 months

ii. If Yes:

• Total number of phases anticipated 3

• Anticipated commencement date of phase 1 (including demolition) Apr. month 2024 year

• Anticipated completion date of final phase Dec. month 2025 year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

Phase I: Residential Apartments (39 and 1 Accessory use)

Phase III: Future Residential Loft Apartments, Commercial Retail

Phase II: Hotel;Spa;Offices (129 Rooms and Restaurant)

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	_____	_____	_____	80 Dwelling Units
At completion of all phases	_____	_____	_____	80 Dw. Units + 129 Hotel Rms

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ 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 checked="" 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 checked="" 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 could 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: _____ 15,000 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: Mohawk Valley Water Authority
- 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: _____
New service from 97 psi water line has been permitted
- Source(s) of supply for the district: Pumping station adjacent to the property

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: _____ 8,500 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): _____

Residential apartments

Public Bathroom from retail/restaurants

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Oneida County Dept. of Water Quality and Pollution Control
- Name of district: Sauquoit Creek Pump Station
- 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? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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: _____	
Grey water system for landscaping use _____	
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)? To the existing 10" stormwater system _____ 	
• 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) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

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? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☒ Morning ☒ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing 196 Proposed 301 Net increase/decrease 105

iv. Does the proposed action include any shared use parking? ☒ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
 Signage to direct flow of traffic, turn only on Oriskany

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☒ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☒ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☒ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
 4,000 amps

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

Grid Utility NYSEG

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No

l. Hours of operation. Answer all items which apply.

i. During Construction:	ii. During Operations:
• Monday - Friday: _____ N/A	• Monday - Friday: _____
• Saturday: _____ N/A	• Saturday: _____
• Sunday: _____ N/A	• Sunday: _____
• Holidays: _____ N/A	• Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</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>_____</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>Down lighting at entrance ways and parking lot</p> <p>_____</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>_____</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> <p>_____</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>_____</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 checked="" type="checkbox"/> Yes <input 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: _____ 1 tons per _____ week (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: <u>Recycle existing wood studs- all steel and metal to be recycled</u> _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>Loose waste in plastic bags</u> <u>20 or 30 yard containers</u> _____ • Operation: <u>Regular sanitation, disposal from (8am to 5pm)</u> _____ _____ 	

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

If Yes:

- Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- Anticipated rate of disposal/processing:
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- 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:

- Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
Asbestos Remediation has been cleared for entire 3-Story Building- See Report
- Generally describe processes or activities involving hazardous wastes or constituents: _____
Lot 60.1 (Hotel Tower) Portion will require asbestos removal and remediation.
- Specify amount to be handled or generated _____ tons/month
- 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:
Asbestos remediation has been isolated at Lot 60.1 (Tower only) and will be remediated prior to full permit.

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 Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.9 acres	2.9 acres	N/A
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• 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: <u>Landscaped Area</u>	18,163sf (.416 acres)	41,956sf (.961 acres)	.545 acres

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

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? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

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? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

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? ☒ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
Removal of Asbestos as per report and survey _____
See Asbestos report _____

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? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☒ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
See phase I report submitted _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____
Asbestos remediation - See attached report _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- 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? ☐ Yes ☒ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 33 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Sedimentary, Utica Schist	_____ %
Existing fill, sand, clay, clastic	_____ %
Sandstone	_____ %

d. What is the average depth to the water table on the project site? Average: _____ 15 feet

e. Drainage status of project site soils: ☒ Well Drained: _____ % of site
☐ Moderately Well Drained: _____ % of site
☐ Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ 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)? ☐ Yes ☒ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☒ 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? ☐ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- 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? ☐ Yes ☐ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No
If Yes:
i. Name of aquifer: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>N/A</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened):</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>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify resource: <u>Utica Marsh Wild-life Management Area</u> 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: _____ 1 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: <ul style="list-style-type: none"> 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.

Submit Asbestos Remediation Variance
Phase I Environmental

G. Verification

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

Applicant/Sponsor Name ANTHONY MORALI, R.A. Date 1/17/2024

Signature  Title REGISTERED ARCHITECT

PRINT FORM

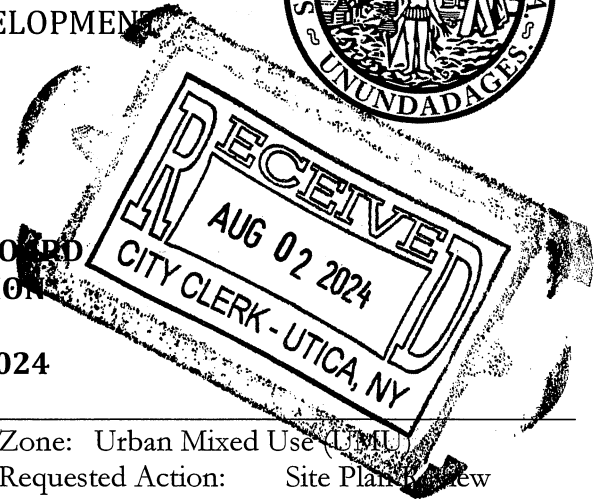
MICHAEL P. GALIME, MAYOR
CITY OF UTICA

DEPARTMENT OF URBAN & ECONOMIC DEVELOPMENT
1 KENNEDY PLAZA
UTICA, NEW YORK 13502
PHONE: (315) 792-0181
FAX: (315) 797-6607



PLANNING BOARD
RESOLUTION

June 20, 2024



PB Case No.: 01-23
Address: 2214 Whitesboro Street
Applicant: Anthony Morali, AIA
Owner: 579-581 East 39, LLC

Zone: Urban Mixed Use (UMU)
Requested Action: Site Plan Review

WHEREAS: Pursuant to City of Utica Zoning Code Section 2-29-291(a) and (b) the applicant is seeking site plan approval of a proposal to convert the former industrial building into a mixed-use facility that will focus on work-force housing and provide such amenities as a food court, secondary health care facilities, indoor parking and a spa that offers physical therapy, baths and sauna.

WHEREAS: A mix of indoor and outdoor parking totaling approximately 250 vehicle spaces will be provided for the overall development. An outdoor play area is also proposed along with 5,000 square feet of common roof gardens on the roof of the existing 6-story building.

WHEREAS: Early last year, the Planning Board designated itself Lead Agent for the purposes of SEQRA and declared the project to be an Unlisted action. However, Oneida County Planning cited the fact that over 100,000 square feet will be affected and, as such, should rightly be declared a Type I action. Therefore, at this time, the Planning Board should re-designate itself as Lead Agent, declare the project a Type I and ask Planning staff to conduct a coordinated review ahead of any final approvals. At its February 15, 2024 meeting, the Planning Board re-designated itself as Lead Agent, declared the project to be a Type I action under SEQRA and directed Planning staff to conduct a coordinated review.

WHEREAS: Plans were shared with the NYS Dept. of Transportation (DOT) and the State Historic Preservation Office (SHPO). SHPO offered "no concerns with the proposal to rehabilitate this historic building" and suggested that the developer may want to consider applying for the federal rehabilitation tax credit. DOT offered several comments, including:

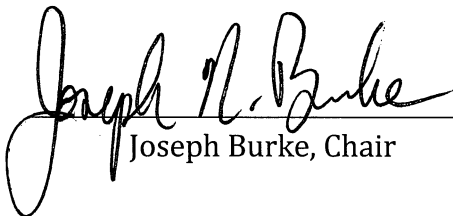
1. A stormwater management plan is required.
 - a. Stormwater runoff should be mitigated. Runoff should be eliminated from flowing onto the State Highway.

2. Confirm number of hotel rooms and apartment rooms. Conflicting information has been submitted.
3. The geometry of the proposed exit to Oriskany Blvd will need to be modified to not permit left turns. A no left turn sign will not be a sufficient deterrent.
4. Sidewalk should be added along Champlin Ave and Oriskany Boulevard. Sidewalk on Whitesboro Street should be improved/replaced to meet ADA compliance.

NOW THEREFORE BE IT RESOLVED THAT based on the comments received from the State Historic Preservation Office and the New York State Department of Transportation, the Planning Board felt comfortable that there were no negative environmental impacts anticipated to result from the proposed project. As such, Mr. Mitchell made a motion to grant a Negative Declaration to the proposed project. The motion was seconded by Mr. Myers and unanimously approved by the Planning Board.

NOW THEREFORE BE IT FURTHER RESOLVED THAT, on a motion by Mr. Myers, seconded by Mr. Mitchell and unanimously approved by all members, the Planning Board granted Final Site Plan approval contingent upon the following:

- Submission of a stormwater management plan to the City Engineering Department;
- Modification of the proposed Oriskany Boulevard exit so as to ensure no left turns are permitted;
- Satisfaction of all other requirements of the City Engineering Department and the Code Enforcement Office, including a building permit.



Joseph Burke, Chair

7-18-24
Date