

RESOLUTION OF THE CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY DETERMINING THAT ACTION TO PROVIDE FINANCIAL ASSISTANCE RELATING TO A PROJECT FOR THE BENEFIT OF 311 MAIN STREET HOLDINGS LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

WHEREAS, 311 Main Street Holdings 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 partial demolition, construction, rehabilitation and renovation of a six-story, 35,000± square foot historic building formerly known as the Utica Children's Museum to provide 11,000± square feet of retail space on the first floor and 24,000± square feet of market rate housing on floors 2 – 5, consisting of twenty loft apartments, together with all infrastructure and amenities to service the same (collectively, the "Improvements"), all situated on a .377± acre parcel of land located at 311 Main Street, City of Utica, Oneida County, New York (the "Land"); and acquisition and installation of machinery, furniture, fixtures, appliances and equipment in the Improvements (the "Equipment"), all for the purpose of filling a demonstrated need for housing identified in the Oneida County Vision 2020 Study and in furtherance of the City of Utica Master Plan (the Land, Improvements and Equipment is referred to collectively as the "Facility" and the partial demolition, construction, rehabilitation, 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 partial demolition, construction and equipping of the Facility may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Agency in determining whether the partial demolition, construction, renovation and equipping of the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency a full 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, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Agency has reviewed the minutes of the December 16, 2021 meeting of the City of Utica Planning Board, its findings and negative declaration in connection with its site plan review (the "Planning Board Review"), a copy of which was presented to and reviewed by the Agency at this meeting and copies of which are on file at the office of the Agency; and

WHEREAS, the Planning Board identified the Project as an "Unlisted Action" and the Agency wishes to adopt the same determinations and findings as the Planning Board.

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

Section 1. With respect to the Agency's financial assistance for the Project, the Agency hereby concurs with and adopts the determinations and findings of the Planning Board for the Project, and determines that the requirements of the SEQR Act and Regulations thereunder have been met.

Section 2. Based upon representations made by the Company, there has been no material change in the scope of the Project that would affect the determinations and findings adopted by the Planning Board. Accordingly, the Agency hereby determines that no additional SEQR review is required in connection with the provision of financial assistance in support of the Project.

Section 3. The Agency hereby ratifies, confirms and approves all prior actions taken by the Agency, its directors, officers, employees and agents, with respect to the Project.

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 May 4, 2022 at 9:00 a.m. local time, at One Kennedy Plaza, Utica, New York at which the following members were:

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

Member Excused: John Buffa

Staff Present: Jack Spaeth

Others Present: Linda Romano, Laura Ruberto

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;
Emmett Martin voting aye;
John Zegarelli voting aye.

and, therefore, the resolution was declared duly adopted.

IN WITNESS WHEREOF, I have hereunto set my hand as of November 29, 2022.



Jack N. Spaeth
Assistant Secretary

