

**SEQR RESOLUTION
493 CAMPBELL, LLC PROJECT**

A regular meeting of Rensselaer County Industrial Development Agency (the “Agency”) was convened in public session in the 3rd Floor Conference Room of the Quackenbush Building located at 333 Broadway in the City of Troy, Rensselaer County, New York on August 10, 2023 at 4:00 o’clock p.m., local time.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Justin Law, Esq.	Chairman
Matthew Polsinello	Vice Chairman
Cory Jones	Secretary/Treasurer
John H. Clinton, Jr.	Assistant Secretary/Treasurer
Justin Buchanan	Member

ABSENT:

Frank Lewandusky	Member
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Robert L. Pasinella, Jr.	Executive Director
Robin LaBrake	Assistant
Peter R. Kehoe, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel
Nadene E. Zeigler, Esq.	Special Agency Counsel

The following resolution was offered by Cory Jones, seconded by Justin Buchanan, to wit:

Resolution No. 0823-06

RESOLUTION ACCEPTING THE DETERMINATION BY THE CITY OF TROY PLANNING COMMISSION TO ACT AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE 493 CAMPBELL, LLC PROJECT AND ACKNOWLEDGING RECEIPT OF THE NEGATIVE DECLARATION ISSUED WITH RESPECT THERETO.

WHEREAS, Rensselaer County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 128 of the 1974 Laws of New York, as amended, constituting Section 903-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to

improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “ projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in June, 2023, 493 Campbell, LLC, a New York State limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 1.59 acre parcel of land located at 487 Campbell Avenue (tax map no.: 112.-4-12.114) in the City of Troy, Rensselaer County, New York (the “Land”), (2) the construction on the Land of an approximately 13,000 square foot facility (the “Facility”) and (3) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”), all of the foregoing to be owned and operated by the Company as a residential apartment complex and any other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on June 8, 2023 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on June 15, 2023 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on June 15, 2023 on a public bulletin board located at the Ned Pattison Government Center located on 1600 7th Avenue in the City of Troy, Rensselaer County, New York and on the Agency’s website, (C) caused notice of the Public Hearing to be published on June 19, 2023 in The Record, a newspaper of general circulation available to the residents of the City of Troy, Rensselaer County, New York, (D) conducted the Public Hearing on 6th day of July, 2023 at 10:00 o’clock a.m., local time at the offices of the Agency located at the Quackenbush Building located at 333 Broadway, 3rd Floor in the City of Troy, Rensselaer County, New York, (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency, and (F) caused a copy of the Certified Public Hearing Resolution to be sent via certified mail, return receipt requested on June 12, 2023 to the chief executive officers of the County and of each city, town, village and school district in which the Project Facility is to be located to comply with the requirements of Section 859-a of the Act; 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 (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York

(collectively with the SEQRA Act, "SEQRA"), the Agency has been informed that (A) the City of Troy Planning Commission (the "Planning Commission") was designated to act as "lead agency" with respect to the Project, and (B) on April 20, 2022 the Planning Commission determined that the Project is a "unlisted action" which will not have a "significant effect on the environment" and, therefore, than an "environmental impact statement" is not required to be prepared with respect to the Project and issued a negative declaration with respect thereto (the "Negative Declaration"), which Negative Declaration is attached hereto as Exhibit A; and

WHEREAS, at the time that the Planning Commission determined itself to be the "lead agency" with respect to the Project, it was not known that the Agency was an "involved agency" with respect to the Project, and, now that the Agency has become an "involved agency" with respect to the Project, the Agency desires to concur in the designation of the Planning Commission as "lead agency" with respect to the Project, to acknowledge the receipt of a copy of the Negative Declaration and to indicate that the Agency has no information to suggest that the Planning Commission was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to SEQRA;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF RENSSELAER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. (A) The Agency has received copies of, and has reviewed, the Application and the Negative Declaration (collectively, the "Reviewed Documents") and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Commission as "lead agency" with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

(B) The Agency hereby determines that the Agency has no information to suggest that the Planning Commission was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to SEQRA and, therefore, that environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 2. This Resolution shall take effect immediately.

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

Justin Law, Esq.	VOTING	YES
Matthew Polsinello	VOTING	YES
Cory Jones	VOTING	YES
John H. Clinton, Jr.	VOTING	YES
Justin Buchanan	VOTING	YES
Frank Lewandusky	VOTING	ABSENT

The foregoing Resolution was thereupon declared duly adopted.

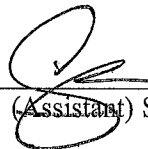
STATE OF NEW YORK)
) SS.:
COUNTY OF RENSSELAER)

I, the undersigned (~~Assistant~~) Secretary of Rensselaer County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 10, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

10th IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this day of August, 2023.



(~~Assistant~~) Secretary

(SEAL)

EXHIBIT A
NEGATIVE DECLARATION

Wm. Patrick Madden
Mayor

Chris Nolin
Deputy Mayor



Steven Strichman
Commissioner

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steven.strichman@troyny.gov

Planning and Economic Development
433 River St., Ste. 5001
Troy, New York 12180

City of Troy Planning Commission Resolution

SEQRA Determination related to: 487 Campbell Avenue, Troy, NY 12180

PLPC 2022 0011 – 487 Campbell Avenue (112.-4-12.114) [B-5: Highway Commercial]
Site Plan Review – SEQR (Unlisted)

WHEREAS, Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Troy City Planning Commission as the Lead Agency, has previously made the determination that the project, which consists of [a new 3-story residential building], is a(n) UNLISTED action, and has hereby evaluated the proposed actions and makes the following determinations:

1. That the actions do not include the potential for at least one significant adverse environmental impact that cannot be mitigated.
2. That sufficient information has been submitted with the Environmental Assessment Form (EAF), and supporting documentation, to determine that an Environmental Impact Statement (EIS) is not required for the proposed actions.
3. That the project, the EAF, and supporting documentation have been evaluated per 617.7 (c) (1), (2), and (3) of SEQRA.
4. That no adverse impacts or concerns have been identified by any interested or involved agencies.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Troy, New York that there are no significant impacts that will occur as a result of this proposal and hereby issues a Negative Declaration.

April 20, 2022

Eric Ferraro
On Behalf of the Executive Secretary
City of Troy Planning Commission

Date