

## SEQRA RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on December 18, 2018, at 8:30 o'clock a.m. in the Common Council Chambers, City Hall, 233 East Washington Street, Syracuse, New York.

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

**PRESENT:** Michael Frame, Kenneth Kinsey, Ricky T. Brown, Kathleen Murphy

**EXCUSED:** Steven Thompson

**THE FOLLOWING PERSONS WERE ALSO PRESENT:** Staff Present: Honora Spillane, Susan Katzoff, Esq., Meghan Ryan, Esq., Judith DeLaney, John Vavonese, Debbie Ramsey-Burns; Others Present: Stephanie Pasquale, Timothy Lynn, Esq., Aggie Lane, Rich Puchulski, Sheila Sicilia, Jessica Maxwell, Jonathan Grahman, Ryland Heagerty, Ryan Benz, Philip Maguire, Suzanne Slack, Kenneth Smith, Ariel Halstead, Kevin McAuliffe, Esq., Rebecca Fuentes, M. Kelly; Media: Rick Moriarty

The following resolution was offered by Kathleen Murphy and seconded by Kenneth Kinsey:

**RESOLUTION DETERMINING THAT THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION, EQUIPPING AND COMPLETION OF A CERTAIN PROJECT AT THE REQUEST OF ACROPOLIS CENTER, LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT**

**WHEREAS**, the City of Syracuse Industrial Development Agency (the "**Agency**") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "**State**"), as amended, together with Chapter 641 of the Laws of 1979 of the State of New York, as amended from time to time (collectively, the "**Act**"), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, for the purpose of promoting economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, and to improve their recreation opportunities, prosperity and standard of living; and

**WHEREAS**, Acropolis Center, LLC, or an entity to be formed (the "**Company**"), by application dated October 5, 2018 (the "**Application**"), requested the Agency undertake a project (the "**Project**") consisting of: (A)(i) the acquisition of an interest in: (a) approximately 21,471 sq. ft. of real property located at 335-39 South Salina Street, improved by an existing 57,813 square foot three (3) story building with an approximately 19,271 square foot basement (collectively, "**Building 1**"); and (b) approximately 2,200 sq. ft. of real property located at 359 South Salina

Street, improved by an existing approximately 4,400 square foot two (2) story building ("**Building 2**" and together with Building 1, collectively, the "**Buildings**"); all located in the City of Syracuse, New York (collectively, the "**Land**"); (ii) the construction, reconstruction and renovation of the Buildings to be used for mixed-use including retail space on the first floor; commercial space on the second and third floors and the construction of a two floor addition above the Buildings to house approximately twenty-two (22) one-bedroom residential apartment units and six (6) two-bedroom apartment units, with twenty (20%) of the 28 units reserved as affordable housing units; the addition of a garage in the basement space of Building 1 to house approximately 46 vehicles, and the renovation of the Buildings' facade, all located on the Land (collectively, the "**Facility**"); (iii) the acquisition and installation in and at the Land and Facility of furniture, fixtures and equipment (the "**Equipment**" and together with the Land and the Facility, the "**Project Facility**"); (B) the granting of certain financial assistance in the form of exemptions from real property tax, State and local sales and use tax and mortgage recording tax (in accordance with Section 874 of the General Municipal Law) (collectively the "**Financial Assistance**"); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, construction, reconstruction, renovation, equipping and completion of the Project Facility; and (D) the lease of the Land and Facility by the Agency pursuant to a lease agreement and the acquisition of an interest in the Equipment pursuant to a bill of sale from the Company to the Agency; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; and

**WHEREAS**, pursuant to State Environmental Quality Review Act ("**SEQRA**"), the Agency is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Agency and the approval of the Project and grant of Financial Assistance constitute such an action; and

**WHEREAS**, to aid the Agency in determining whether the undertaking of the Project may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (the "**EAF**"), and copies of said EAF are on file in the office of the Agency and are readily accessible to the public; and

**WHEREAS**, by resolution adopted November 20, 2018 (the "**Lead Agency Resolution**"), the Agency appointed itself "lead agency" for purposes of conducting a coordinated environmental review under SEQRA; and

**WHEREAS**, as a result of its careful review and examination of the Project and correspondence from the other involved agency, the Agency finds that, on balance, and after careful consideration of all relevant Project documentation, it has more than adequate information to evaluate all of the relevant benefits and potential impacts; and

**WHEREAS**, the Agency has prepared a negative declaration that summarizes its consideration of various factors in accordance with SEQRA; and

**NOW, THEREFORE**, be it resolved by the members of the City of Syracuse Industrial Development Agency, as follows:

- (1) Based upon an examination of the EAF prepared by the Company, the criteria

contained in 6 NYCRR §617.7(c), and based further upon the Agency’s knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the Project, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the second WHEREAS clause of this resolution and constitutes a “project” as such term is defined in the Act;

(b) The Project constitutes a “Type 1 Action” (as said quoted term is defined in SEQRA);

(c) The Agency declared itself “Lead Agency” (as said quoted term is defined in SEQRA) with respect to a coordinated review of the Project pursuant to SEQRA;

(d) The Project will not have a significant effect on the environment, and the Agency will not require the preparation of an Environmental Impact Statement with respect to the Project; and

(e) As a consequence of the foregoing, the Agency has prepared a Negative Declaration with respect to the Project, a copy of which is attached hereto as **Exhibit “A”**, which shall be filed in the office of the Agency in a file that is readily accessible to the public and the Executive Director of the Agency is hereby authorized to execute and cause publication of the Negative Declaration.

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

(3) The Secretary of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

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

	<u>AYE</u>	<u>NAY</u>
Michael Frame	X	
Kenneth Kinsey	X	
Ricky T. Brown	X	
Kathleen Murphy	X	

The foregoing resolution was thereupon declared duly adopted.

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

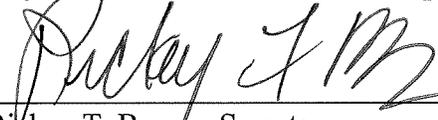
I, the undersigned Secretary of the City of Syracuse Industrial Development Agency, **DO HEREBY CERTIFY** that I have compared the annexed extract of the minutes of the meeting of the City of Syracuse Industrial Development Agency (the “**Agency**”) held on December 18, 2018, with the original thereof on file in my office, and that the same (including all exhibits) is a true and correct copy of the proceedings of the Agency and of the whole of such original insofar as the same relates to the subject matters referred to therein.

**I FURTHER CERTIFY** that (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 104, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

**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.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Agency this 19 day of December, 2018.

City of Syracuse Industrial Development Agency

  
\_\_\_\_\_  
Rickey T. Brown, Secretary

( S E A L )

**EXHIBIT "A"**

**NEGATIVE DECLARATION**

**NEGATIVE DECLARATION**  
**NOTICE OF DETERMINATION**  
**OF NO SIGNIFICANT EFFECT**  
**ON THE ENVIRONMENT**

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In accordance with Article 8 (State Environmental Quality Review a/k/a SEQR) of the Environmental Conservation Law (the "*Act*"), and the statewide regulations under the Act (6 NYCRR Part 617) (the "*Regulations*"), the City of Syracuse Industrial Development Agency ("*Agency*") has considered the proposed Acropolis Center, LLC Project, which is more accurately described below. The Agency has determined: (i) that the proposed project is a Type I Action pursuant to the Regulations; (ii) that the Agency has engaged in an environmental review of the Acropolis Center, LLC Project; (iii) that upon conducting said review, the Agency has determined that the Acropolis Center, LLC Project will result in no major environmental impacts and therefore will not have a significant effect on the environment; and (iv) that an environmental impact statement is not required to be prepared with respect to the Acropolis Center, LLC Project. THIS NOTICE IS A NEGATIVE DECLARATION FOR THE PURPOSES OF THE ACT.

1. Agency:

The Agency is the City of Syracuse Industrial Development Agency, Syracuse, New York.

2. Contact for Further Information:

Contact Person:  
Ms. Honora Spillane, Executive Director

Address:  
201 E. Washington Street, 6<sup>th</sup> floor  
Syracuse, NY 13202

Telephone Number: (315) 448-8028

3. Project Description:

The Agency determined to undertake a project (the "*Project*" or "*Acropolis Center, LLC Project*") consisting of: (A)(i) the acquisition of an interest in: (a) approximately 21,471 sq. ft. of real property located at 335-39 South Salina Street, improved by an existing 57,813 square foot three (3) story building with an approximately 19,271 square foot basement (collectively, "*Building 1*"); and

(b) approximately 2,200 sq. ft. of real property located at 359 South Salina Street, improved by an existing approximately 4,400 square foot two (2) story building ("*Building 2*" and together with Building 1, collectively, the "*Buildings*"); all located in the City of Syracuse, New York (collectively, the "*Land*"); (ii) the construction, reconstruction and renovation of the Buildings to be used for mixed-use including retail space on the first floor; commercial space on the second and third floors and the construction of a two floor addition above the Buildings to house approximately twenty-two (22) one-bedroom residential apartment units and six (6) two-bedroom apartment units, with twenty (20%) of the 28 units reserved as affordable housing units; the addition of a garage in the basement space of Building 1 to house approximately 46 vehicles, and the renovation of the Buildings' facade, all located on the Land (collectively, the "*Buildings*"); (iii) the acquisition and installation in and at the Land and Buildings of furniture, fixtures and equipment (the "*Equipment*" and together with the Land and the Buildings, the "*Project Facility*").

4. Project Location:

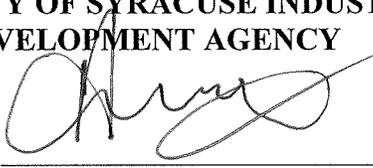
The Project involves property located at 335-339 and 359 South Salina Street in the City of Syracuse.

5. Reasons for Determination of Non-Significance:

See Exhibit "A" attached hereto.

**DATED:** December 18, 2018

**CITY OF SYRACUSE INDUSTRIAL  
DEVELOPMENT AGENCY**

By: 

Honora Spillane, Executive Director

# Negative Declaration Exhibit A

## Criteria for Determining Significance

As proposed, the reasonably anticipated environmental effects of the aforementioned Acropolis Center, LLC Project will not be significant. This conclusion results from the thorough evaluation of the Project's attributes and their environmental effects against the criteria provided in NYSDEC regulations at 6 NYCRR §617 et. seq. A summary of this evaluation follows.

### Determination of Environmental Significance

To determine whether the Project may have a significant effect on the environment, the impacts that may be reasonably expected to result from the proposed Project must be compared to criteria specified in NYSDEC regulations. (6 NYCRR §617.7). These criteria are considered indicators of significant effects on the environment.

### Criterion 1

**A substantial adverse change in existing a) air quality; b) ground or surface water quality or quantity; c) traffic levels; d) noise levels; e) a substantial increase in solid waste production; f) a substantial increase in potential for erosion, flooding, leaching or drainage problems.**

#### a) Air quality

The Project primarily involves renovating two existing buildings currently used for commercial retail space and constructing two new floors to be used for 28 residential units. The Project may involve the potential for minor, temporary changes in air quality in the area immediately surrounding the site during the period of renovation and construction. Any potentially hazardous materials located on-site, such as lead-based materials, will be removed from the Buildings prior to commencing the renovation and construction and disposed of in accordance with all local, state and federal laws, thereby reducing the potential for such materials to become airborne and migrate off-site. Further, the Company and its contractors will take all necessary measures to mitigate any short-term construction-related impacts (i.e., keeping windows closed as much as possible during construction activities, using proper ventilation equipment, limiting the use of dumpsters and dump trucks for construction debris, watering construction debris to reduce dust and prevent airborne migration, etc.).

#### b) Ground or surface water quality or quantity

The Project is located in an urban area and involves the renovation of existing improvements. As such, the Project is not expected to result in an adverse change in ground or surface water quality or quantity.

c) Traffic levels

The Project is intended to continue existing commercial/retail uses and attract residential tenants to the Project Facility. With the addition of two new floors of residential rental units, traffic levels will increase as a result of the Project. The level of impact on the surrounding area is expected to be manageable given the urban location. However, traffic counts should be monitored further following completion of all phases of the Project to assess the level of impact to ensure appropriate levels of service at surrounding intersections. Parking is not anticipated to be an issue as parking will be available in the basement and at multiple adjacent lots and garages, as well as on surrounding streets.

d) Noise levels

The Project may involve the potential for minor, temporary changes in noise quality due to typical construction-related activities. However, any such impacts to noise quality will be mitigated to the extent possible by using appropriate mufflers on heavy equipment and restricting construction hours (*e.g.*, 7:00 a.m. to 5:00 p.m. from Monday through Friday). Accordingly, the Agency determines that any noise-related impacts associated with the Project will be insignificant.

e) Substantial increase in solid waste production

The Project will result in the generation of solid waste, but such waste will be disposed of by a licensed contractor at an existing solid waste facility in accordance with applicable laws and regulations. As such, the Agency does not anticipate any adverse impacts associated with solid waste production.

f) Substantial increase in potential for erosion, flooding, leaching or drainage problems

The Project is located in an urban area and primarily involves the renovation of existing improvements. As such, the Project is not expected to result in an increase in the potential for erosion, flooding, leaching or drainage problems.

**Criterion 2**

**The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse effects to natural resources.**

As noted above, the Project site consists of an improved parcel in an urban setting, and the Project will result in physical improvements to the interior of the Buildings. Therefore, the Project will not have any impact on vegetation or fauna, the movement of any fish or wildlife species, or other natural resources. No known significant habitat areas have been identified, and

there are no known threatened or endangered species of plants or animals in the immediate vicinity of the Project area.

### **Criterion 3**

**The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.**

The Project will not result in a significant change in the number of people attracted to the Project site.

### **Criterion 4**

**The creation of a material conflict with a community's current plans or goals as officially approved or adopted.**

The Project is consistent with the Agency's goal of effectuating financial assistance for specific projects located within the City of Syracuse, as well as the City's desire to revitalize the downtown area.

### **Criterion 5**

**The impairment of the character or quality of important historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.**

The Project is located in the South Salina Street Commercial Historic District and contiguous to the Montgomery Street-Columbus Circle Historic District, the Armory Square Historic District, the Loew's State Theater and St. Paul's Cathedral and Parish House. However, the Buildings are modernized and identified as not contributing to the historic character of the district. See attachment to the EAF. The Project involves both exterior facade and interior renovations to the Buildings, which are intended to revitalize them while further enhancing and taking advantage of the ongoing development in the downtown area. The Project is anticipated to improve the character and quality of the surrounding area and therefore is not expected to adversely impact existing resources in the area, many of which have undergone similar renovation efforts in the recent past.

### **Criterion 6**

**A major change in the use of either the quantity or type of energy.**

The Project is not anticipated to result in a major change in the quantity or type of energy used so as to require extraordinary services or actions on the part of energy providers.

## **Criterion 7**

### **The creation of a hazard to human health.**

The Agency does not expect the Project to create any human health hazards. All pre-demolition, demolition and construction materials will be disposed of off-site in accordance with local, state, and federal regulations. The Company will contract with properly licensed private haulers for the transport and disposal of these materials from the Project area. Where necessary, hazardous materials or substances will be characterized prior to disposal and proper records (*e.g.*, bill of lading or waste manifests) will be maintained, and the Company will consult with representatives of the City regarding any such materials to ensure their proper removal and disposal. In addition, the Company will provide and/or complete a pre-demolition asbestos-containing material/lead-based paint survey(s) prior to any demolition, renovation or construction activities. The Company will engage properly licensed contractors to remove any such materials from the Project area.

## **Criterion 8**

### **A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.**

The Project will result in some physical changes to the Buildings so as to facilitate its continued use and occupancy. The Project does not constitute a substantial change that is unable to be supported by current land use patterns. Further, the Project is consistent with the City's land use plan, will enhance the central downtown area, and will compliment similar revitalization efforts in the City (*i.e.*, Armory Square, Hanover Square, Clinton Square and Montgomery Street).

## **Criterion 9**

### **The creation of material demand for other actions which would result in one of the above consequences.**

The Project itself is not expected to create any demand for other actions (*e.g.*, additional public services) that would result in significant adverse consequences described by the above criteria.

## **Criterion 10**

### **Changes in two or more elements of the environment, no one of which has a significant effect on the environment, but when considered together result in a substantial adverse impact on the environment.**

The Project will not effect multiple changes to the environment which, when considered together, would be considered significant.

### **Criterion 11**

**Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant effect on the environment, but when considered cumulatively would meet one or more of the criteria in this section.**

This criterion deals with the issue of cumulative impacts of multiple actions under SEQRA. No cumulative impacts have been identified and none are expected.