

**COMMERCIAL FINDING RESOLUTION
PRIME PLATTSBURGH, LLC PROJECT**

A regular meeting of County of Clinton Industrial Development Agency (the “Agency”) was convened in public session in the offices of the Agency located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York on March 22, 2021 at 12:00 o’clock p.m., local time.

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

PRESENT:

Trent Trahan	Chairperson
David Hoover	Vice Chairperson
Michael E. Zurlo	Secretary
Kim Murray	Assistant Secretary
Keith Defayette	Treasurer
Mark Leta	Member
John VanNatten	Member

Each of the members present participated in the meeting telephonically pursuant to Executive Order No. 202.1, as supplemented, issued by New York State Governor Andrew M. Cuomo, suspending provisions of Article 7 of the Public Officers Law that require public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service.

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Renee McFarlin	Executive Director
Toni Moffat	Executive Assistant
Dorothy Brunell	Administrative Assistant
Christopher C. Canada, Esq.	Agency Counsel
George W. Gregg, Jr., Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 03-21-02

RESOLUTION (A) DETERMINING THAT THE PROPOSED PRIME PLATTSBURGH, LLC (THE “COMPANY”) PROJECT IS A COMMERCIAL PROJECT, AND (B) MAKING CERTAIN FINDINGS REQUIRED UNDER THE GENERAL MUNICIPAL LAW.

WHEREAS, County of Clinton 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 225 of the 1971 Laws of New York, as amended, constituting Section 895-f

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 manufacturing, warehousing, research, commercial and industrial 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, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, July, 2019, Prime Plattsburgh, LLC, a New York 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 two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the “Land”), (2) the construction on the Land of an approximately 148,499 square foot building and approximately 60,430 square feet of parking space (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment (collectively, the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute an approximately 109 unit residential apartment complex with ground level commercial/retail space and parking and 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 July 8, 2019 (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 July 11, 2019 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on July 11, 2019 on a bulletin board located at Clinton County Government Center located at 137 Margaret Street in the City of Plattsburgh, Clinton County, New York, (C) caused notice of the Public Hearing to be published on July 17, 2019 in the Press-Republican, a newspaper of general circulation available to the residents of the City of Plattsburgh, Clinton County, New York, (D) conducted the Public Hearing on August 5, 2019 at 6:00 o’clock p.m., local time at the offices of the Agency located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York and (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

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 SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on July 8, 2019 (the “Preliminary SEQR Resolution”), the Agency (A) determined (1) that the Project involves more than one “involved agency”, and (2) that, although the Project may constitute an “unlisted action”, and coordinated review and notification of other involved agencies is strictly optional with respect to the Project, the Agency wished to investigate the advisability of undertaking a coordinated review with respect to the Project and (B) authorized the Executive Director of the Agency to contact all other “involved agencies” for the purpose of ascertaining whether such “involved agencies” were interested in undertaking a coordinated review of the Project and, if so, designating a “lead agency” with respect to the Project (as such quoted terms are defined in SEQRA); and

WHEREAS, by resolution adopted by the members of the Agency on March 22, 2021, the Agency (A) acknowledged that (1) the Project is an action, subject to the requirements of the SEQRA, with said Project being part of overall revitalization efforts collectively described as the Downtown Area Improvement Projects (“DAIP”), which has been classified as a SEQRA Type I action, (2) a coordinated SEQRA review was conducted, with the City of Plattsburgh Common Council (the “Common Council”) as the SEQRA lead agency, which recognized that the DAIP may result in one or more significant impacts on the environment and wished to review the potential impacts of the DAIP taken together rather than separately, (3) the Common Council determined to conduct this comprehensive review of the DAIP through preparation of a generic environmental impact statement (“GEIS”) pursuant to SEQRA and 6 NYCRR § 617.10 of the implementing regulations, (4) the City of Plattsburgh Common Council was designated as Lead Agency for SEQRA review of the DAIP on June 6, 2019, (5) a public scoping session was held on August 22, 2019 at which time the public was given the opportunity to comment on the Draft Scoping Document which outlined the proposed contents of the Draft Generic Environmental Impact Statement (the “DGEIS”), (6) a Final Scoping Document was adopted by the Common Council on September 5, 2019, (7) the DGEIS and associated plans, reports, and studies were prepared based on the Final Scoping Document, (8) the Common Council declared the DGEIS complete for public review and circulation on November 21, 2019, (9) the DGEIS and Notice of Completion were duly circulated as required by SEQRA, (10) the DGEIS was posted on the City’s website, (11) a Notice of Acceptance of Draft GEIS and Public Hearing was published in the Environmental Notice Bulletin (ENB) on December 4, 2019, (12) a public hearing allowing for public comment on the DGEIS was held by the Common Council on December 9, 2019 and the public comment period remained open through December 23, 2019, (13) copies of the transcript from the public hearing and the written comments received on the DGEIS are provided in the Final Generic Environmental Impact Statement (the “FGEIS”), (14) the Common Council accepted the FGEIS as complete on January 30, 2020, (15) in accordance with Section 617.9(b)(7) of the SEQRA regulations, the FGEIS incorporated by reference the DGEIS dated November 21, 2019, and all supporting appendices, (16) in accordance with Section 617.9(b)(7) of the SEQRA regulations, the FGEIS incorporated by reference the DGEIS dated November 21, 2019, and all supporting appendices, (17) the FGEIS and Notice of Completion were duly circulated as required by SEQRA and a Notice of Acceptance of the FGEIS was published in the Environmental Notice Bulletin (ENB) on February 12, 2020, and (18) the Common Council (i) issued its SEQRA findings statement on February 20, 2020 for the DAIP and (ii) issued its amended SEQRA findings statement on September 10, 2020 for the DAIP, respectively (collectively, the “Lead Agency Findings Statement”), (B) adopted the Lead Agency Findings Statement, (C) adopted certain additional findings under SEQRA related to the Project, (D) certified that (1) the Agency has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS prepared in connection with the proposed action, (2) the Agency has weighed and balanced the relevant environmental impacts with the social, economic and other essential considerations relating to the proposed action, (3) the requirements of 6 NYCRR Part 617 have been met, and (4) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that

avoids or minimizes adverse environmental impacts to the maximum extent practicable, and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the FGEIS and (E) directed Agency staff to complete the filing and distribution requirements required by SEQRA; and

WHEREAS, in Opinion of the State Comptroller Number 85-51, the State Comptroller indicated that the determination whether a project that consists of the construction of an apartment house is a commercial activity within the meaning of the Act is to be made by local officials based upon all of the facts relevant to the proposed project, and that any such determination should take into account the stated purpose of the Act, that is, the promotion of employment opportunities and the prevention of economic deterioration; and

WHEREAS, to aid the Agency in determining whether the Project qualifies for Financial Assistance as a commercial project within the meaning of the Act, the Agency has reviewed the following (collectively, the "Project Qualification Documents"): (A) the Application, including the cost benefit analysis attached thereto; and (B) a market analysis and financial feasibility study dated November, 2016 (the "Study") prepared by Camoin Associates for the City of Plattsburgh (the "City") and relating to the City-owned Durkee Street site in the downtown area of the City; and

WHEREAS, the Agency would be authorized to provide Financial Assistance in respect of the Project if (A) the Agency determines that the Project constitutes a "project" within the meaning ascribed to such term in the Act and (B) the Agency complies with the procedural requirements of Section 859-a of the Act;

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

Section 1. Based upon an examination of the Project Qualification Documents and based further upon the Agency's knowledge of the area surrounding the Project and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

A. The Project is located in an area having a mixture of residential, not-for-profit, commercial, retail, and service uses.

B. The Project Qualification Documents contain the following comments/findings regarding housing in Clinton County:

(i) The Project site is one of the few remaining developable properties in the downtown area of the City and presents a unique opportunity for new construction instead of the rehabilitation of existing buildings.

(ii) The housing stock in the City is significantly older than housing in the greater Plattsburgh area and in the County in general.

(iii) There is a renewed interest in the local urban environment in the City and regional residents have begun to move closer to the City. The Project presents an opportunity to capitalize on this trend towards residential re-urbanization.

(iv) The construction of new, high-quality residential units would support continued growth in the market for rental units.

(v) The Study indicates that, prior to the current pandemic, although restaurants in the City's downtown area were doing quite well, there is not yet a critical mass of activities happening downtown that invite people to explore the area.

(vi) The Study further indicates that there are very few residential rental units in the City that offer a true mixed-use living option in the urban core.

(vii) The Study further indicates that continued commercial redevelopment in the City's downtown area is necessary if the City is to become a day-trip tourism destination.

(viii) The Study further indicates that public investment is a key factor in redevelopment projects and that without some form of public sector involvement to close the funding gap, the Project will not move forward.

C. The Agency finds that the development of market-rate residential units in the City's downtown area is crucial to instigate a change in the downtown landscape of the City and to incite a demand for commercial redevelopment in the City's downtown area. The Agency further finds that undertaking the Project is consistent with the Project Qualification Documents and will assist and maintain current and future residential and commercial development and expansion in the neighborhood surrounding the Project.

D. The Company has informed representatives of the Agency that the Project is expected to create approximately five (5) full time permanent, private sector jobs.

E. The Company has informed representatives of the Agency that the Company is not aware of any adverse employment impact that might be caused by the undertaking and completion of the Project.

Section 2. Based upon the foregoing review of the Project Qualification Documents and based further upon the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project:

A. The Agency hereby determines that the Project will provide necessary infrastructure for area employers and businesses and for the redevelopment of the downtown commercial area of the City, and thus qualifies for Financial Assistance as a "commercial" project within the meaning of the Act.

B. The Agency hereby further determines that the completion of the Project Facility will have an impact upon the creation and expansion of employment opportunities in the County and in the State of New York, and further that the completion of the Project will assist in promoting employment opportunities and assist in preventing economic deterioration in the County and in the State of New York.

C. The Agency has complied with the procedural requirements of Section 859-a of the Act.

D. The Agency hereby further determines that, based on representations made by the Company, other than typical common area maintenance services, no services will be provided by the Company to the tenants of the residential portion of the Project.

E. The Agency hereby further determines that, after giving due consideration to the Project Qualification Documents and to representations by the Company, although the Project will contain a retail component, based on the proposed square footage of such proposed retail space, the Project will not constitute a project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities will constitute more than one-third of the total project cost, the provisions of Section 862(2)(a) of the Act are not applicable to the Project.

Section 3. Having reviewed the Public Hearing Report, and having considered fully all comments contained therein, and based upon the above findings and determinations, the Agency hereby determines to proceed with the Project and the granting of the Financial Assistance described in the notice of the Public Hearing.

Section 4. 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:

Trent Trahan	VOTING	_____
David Hoover	VOTING	_____
Michael E. Zurlo	VOTING	_____
Kim Murray	VOTING	_____
Keith Defayette	VOTING	_____
Mark Leta	VOTING	_____
John VanNatten	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

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

I, the undersigned (Assistant) Secretary of County of Clinton 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 March 22, 2021 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”) except as modified by Executive Order 202.1, as supplemented, 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, either in-person or appearing telephonically in accordance with Executive Order 202.1, as supplemented, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 22nd day of March, 2021.

(Assistant) Secretary

(SEAL)