

Onondaga County Industrial Development Agency
Regular Meeting Minutes
August 18, 2022

A regular meeting of the Onondaga County Industrial Development Agency was held on Thursday, August 18, 2022 at 333 West Washington Street, Syracuse, New York in the large conference room on the first floor.

Patrick Hogan called the meeting to order at 8:04 am with the following:

PRESENT:

Patrick Hogan
Janice Herzog
Victor Ianno
Steve Morgan
Susan Stanczyk
Kevin Ryan
Fanny Villarreal

ABSENT:

ALSO PRESENT:

Robert M. Petrovich, Executive Director
Nate Stevens, Treasurer
Nancy Lowery, Secretary
Karen Doster, Recording Secretary
Alexis Rodriguez, Assistant Treasurer
Jeff Davis, Barclay Damon Law Firm
Brian Gerling, Barclay Damon Law Firm
Christopher Andreucci, Harris Beach Law Firm
Len Rauch, Office of Economic Development
Rebecca Shiroff, Office of Economic Development
Matthew Pelligra, Office of Economic Development
Genevieve Trigg, Barclay Damon Law Firm
Thomas Fernandez, 1046 Old Seneca Turnpike, Inc.
Norm Swanson, 1046 Old Seneca Turnpike, Inc.
Glenn Frank, OYA Solar
Ryan Benz, OHB Redev, Inc.
Mitch Latimer, Carpenter's Union

APPROVAL OF REGULAR MEETING MINUTES – JULY 21, 2022

Upon a motion by Victor Ianno, seconded by Susan Stanczyk, the OCIDA Board approved the regular meeting minutes of July 21, 2022. Fanny Villarreal abstained. Motion was carried.

TREASURER'S REPORT

Nate Stevens gave a brief review of the Treasurer's Report for the month of July 2022.

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board approved the Treasurer's Report for the month of July 2022. Motion was carried.

PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #472

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved the Payment of Bills Schedule #472 for \$2,973,118.17 and PILOT payments to Onondaga County for \$1,306.56, City of Syracuse for \$2,032.07, Jamesville Dewitt Central School District for \$131.07, Town of DeWitt for \$20.03 and Town of Onondaga for \$4.08. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

The Conflict of Interest was circulated and there were no conflicts reported.

1046 OLD SENECA TURNPIKE, INC. INITIAL MEETING

Robert Petrovich stated Barclay Damon is conflicted out so Chris Andrucci of Harris Beach will be representing the Agency as conflict counsel.

Genevieve Trigg stated she is from Barclay Damon and here on behalf of 1046 Old Seneca Turnpike Inc. She stated the applicant is proposing to develop an 88 room full service hotel in the Town of Skaneateles. She stated unlike other lodging and hotel facilities in the area, the applicant proposes a modern resort type facility intended to satisfy the market demand and accommodate leisure groups, business groups as well as families. She stated Skaneateles is already a tourist destination. She stated this project will provide a destination that will be able to accommodate the masses of tourists that visit from outside the region to Skaneateles annually. She stated given the limited number of rooms that are available in the town, this project will support the local community by offering luxury overnight accommodations as well as helping

offset overflow from facilities such as Spa Mirabeau and the Sherwood. She stated since those existing facilities do not offer room blocks to guests other than for events at those facilities, the applicant's project will accommodate seasonal tourist and visitors seeking to enjoy the recreational opportunities, attractions and amenities throughout the town. She stated furthermore the town has banned short term rentals increasing demand so this project is needed to fill that demand and support tourism in the town. She stated the project is anticipated to create 50 full time jobs in the first 3 years. She stated all municipal approvals and SEQR have been completed. She stated the applicant is not seeking a PILOT, it is solely seeking sales and mortgage tax exemption to offset the capital cost.

Thomas Fernandez stated one of the major drivers to the market is the leisure group which is majority wedding blocks. He stated there is a lack of overall accommodations for those blocks in the market. He stated Skaneateles has roughly 12 major wedding venues such as the Sinclair, the Lodge, the Skaneateles Country Club and as previously said there is no room blocks in that market. He stated they have been working closely with staff at the Lodge at Welch Allyn and one of the biggest problems to bring more area guests is the lack of overnight accommodations to facilitate that site. He stated they know that is one driver that is going to be in both leisure and business travel to the market from outside this area. He stated the other is the overall lack of accommodations in the market. He stated they are looking to bring in rooms that match the family traveler, the getaway and the group travel. He stated this paired with a need for overall independent business travel being driven from the former Welch Allyn site and Tessy Plastics. He stated there is a need for this and it sits in a location within the town that plays well with all the different facilities. He stated their hotel will not offer banquet space and they will be there just as an amenity to all of these different facilities available in the market. He stated with an overall new demand for travel within the Finger Lakes and lack of accommodations they feel this project meets standards for this exemption.

Victor Ianno asked if there will be a restaurant in the facility. Thomas Fernandez stated there will a 100 seat restaurant in the facility and will be open to the public as well as guests.

Victor Ianno asked if there will be business meeting rooms. Thomas Fernandez stated not necessarily business meeting rooms but private dining rooms for small gatherings. He stated they are trying to utilize this just for overnight accommodations.

Robert Petrovich stated he is supportive of sales and use tax. He stated counsel has been working with staff to evaluate whether the appropriate path to proceed is tourism or the but/for provision relative to shortage of hotels in the area.

Chris Andreucci stated the statute doesn't allow the IDA to provide financial assistance for projects where retail makes up more than 1/3 of the total project cost and this would be 100%. He stated the project will have to fit in one of the 3 exemptions. He stated one is a highly distressed census tract which he does not believe that is the case. He stated the other is tourism and destination which means the project itself attracts folks from outside the economic development region. He stated as a side note way back when they put the tourism destination language in the statute, it was specifically for hotels but we have had case law since then that suggest the hotel in and of itself has to be the one that draws people to the area to make the tourism destination finding. He stated it is not an absolute; it is just in dicta in a case that came across. He stated the third would be the project provides services to the residents of the town that are not otherwise reasonably accessible. He stated there is a feasibility study that has been submitted that supports the conclusion that there is not enough overnight accommodations to the area. He stated this project in and of itself would support those findings or if there are enough folks within the region that are going to take advantage of the overnight accommodations the Board could do the but/for test. He stated today is not the findings but to approve a resolution to hold a public hearing and the Board will have to make a decision as to whether or not any of these exemptions apply.

Fanny Villarreal stated she is excited about this project and asked if the jobs are full time or part time. Genevieve Trigg stated they are anticipating 50 full time positions.

Patrick Hogan stated Mr. Swanson has a great record as far as development and it is amazing what he has done for this community over the years. He stated he is in favor of this.

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing a public hearing for the 1046 Old Seneca Turnpike, Inc. project. Kevin Ryan abstained. Motion was carried.

FAYETTE MANLIUS, LLC ADMINISTRATIVE CORRECTION

Jeff Davis stated as they were preparing for closing it was identified that two different public hearing notice dates were sent out at the time. He stated one went to the paper saying one thing and one went to the taxing jurisdictions saying another thing. He stated they worked with the applicant and renoticed and redid the public hearing. He stated this resolution is reaffirmation of a prior approval so that procedurally everything is done correctly.

Robert Petrovich stated this course of action was supported and endorsed by the applicant. Jeff Davis stated they were given the option. He stated they felt it was a Scribner's error but the project was given the option and given the time period they would rather renote and redo the public hearing which was done.

Nancy Lowery stated the public hearing was held and there were no comments.

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board approved a resolution ratifying and reaffirming the approving resolution for the Fayette Manlius, LLC project. Motion was carried.

OYA CAMILLUS A LLC MEETING TO MODIFY

Jeff Davis stated OYA A and B have the same request from the applicant but requires separate votes.

Glenn Frank stated OYA is requesting permission with regard to OYA Camillus A and B LLC who is the referenced party in the original resolutions. He stated those memberships interests held by OYA Camillus A & B were originally held by OYA Solar CDG LLC which was in turn owned by OYA Solar for the purpose of a financing transaction with Greenbacker. He stated OYA Solar will cause OYA Renewables Construction 2 LLC to be formed and they are asking that membership interests be transferred to OYA Renewables Holding LLC which in turn is required by the Greenbacker transaction. He stated that the LLC will be owned jointly by a subsidiary of OYA Solar B1 Intermediate Hold Call LLC and Rosewood Energy LLC which is an affiliate of Greenbacker. He stated this is the same situation for OYA Camillus A and OYA Camillus B. He stated is the reason for the request for the change in control resolution.

Jeff Davis stated the Board has seen several of these with solar facilities where they need to change things around so this is similar to what the Board has seen before. He stated the resolutions before the Board are for consideration and in the resolutions it is noted in both A and B that it is a change in ownership. He stated it does not impact the prior SEQR resolutions and is not a material change to the financial assistance that has been provided. He stated the corporate structure items have been reviewed by counsel and there are no questions or concerns. He stated as consistent with IDA policy, there will be a small fee due to the IDA for the change in ownership, reprocessing and repapering of it from the legal side. He stated the applicant has agreed to work through that as well.

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing the sale of a controlling interest in OYA Camillus A LLC to OYA Renewables Construction Holdings 2 LLC. Motion was carried.

OYA CAMILLUS B LLC MEETING TO MODIFY

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing the sale of a controlling interest in OYA Camillus B LLC to OYA Renewables Construction Holdings 2 LLC. Motion was carried.

DISTRICT EAST INITIAL MEETING

Ryan Benz stated OHB continues to move forward with the redevelopment of Shoppingtown Mall. He stated they are looking to bring a mixed use facility to the former Shoppingtown site including the residential component, office, retail, movie theater and shops. He stated a significant public component is multiple parks, walking paths and such. He stated they are here today to make a formal request to the Board in assisting them moving forward with the SEQR process and subsequent to that they will ask for future benefits associated with the project as outlined. He stated since they last spoke they continue to advance their conversations with the two related parties, Transform Co and Benderson, who owns the former Sears and Macy's buildings respectively. He stated while they are not ready to ink any deal they do continue to engage with them directly. He stated they remain optimistic that they can come to a deal and to avoid a future eminent domain proceeding however they are not prepared at this point to

unrequest the future eminent domain request. He stated they are optimistic and continue to move forward and continue to meet on a daily basis. He stated they have a lot of interest from future tenants and they are negotiating letters of intent to put the whole package together. He stated he thinks they are in a strong place and the benefits request will allow them to continue to move forward.

Jeff Davis stated one of first steps that has to happen in a project like this is somebody needs to be lead agency for SEQR. He stated the applicant has requested that OCIDA consider that and the Agency has done that on other projects as the Board is aware. He stated counsel has reviewed the long EAF the applicant has submitted and the materials and it is sufficient to proceed with a resolution before the Board in terms of consideration to declare intent to be lead agency for SEQR. He stated the resolution before the Board states it is a Type I action and would require a coordinated review with all involved agencies under SEQR. He stated this resolution would be the first step which is the Board's intent to declare lead agency status and classify the project as a Type I that would trigger a requirement on behalf of OCIDA to send out notices to all other involved and interested agencies that have been identified in the long form EAF. He stated then there is a 30 day wait period to see if anybody objects to OCIDA being lead agency. He stated that process would start where the Agency would have get through the SEQR process before the Board can consider the actual request and before an official vote.

Patrick Hogan stated he is in favor because this is a huge important project for the County. He stated he appreciates all the work Mr. Petrovich and the Economic Development Department have done and certainly would commend County Executive Ryan McMahon for taking this on. He stated he knows this is convoluted and a steep hill to climb but it will benefit the County.

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board approved a resolution declaring the District East a Type I action under SEQRA and the Agency's intent to be Lead Agency for a coordinated environmental review. Motion was carried.

EXECUTIVE SESSION

Jeff Davis stated he would like to take a motion by the Board to go into Executive Session under the New York Public Office's Law Section 105 for the purpose of discussing the proposed acquisition of land.

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board went into Executive Session at 8:31 am to discuss the acquisition of real property. Motion was carried.

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board adjourned Executive Session at 8:45 am. Motion was carried.

(Steve Morgan left meeting.)

PURCHASE CONTRACTS EXECUTION

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing the adoption of SEQRA determination. Motion was carried.

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing the Executive Director to enter into purchase contracts and any related documents with respect to parcels of property.

ADJOURN

Upon a motion by Victor Ianno, seconded by Fanny Villarreal, the OCIDA Board adjourned the meeting at 8:47 am. Motion was carried.



Nancy Lowery, Secretary