



**Yonkers Industrial Development Agency
Regular Board Meeting
May 16, 2012**

Present Board Members

Mayor Mike Spano, Chairman
Martin Ball, Sr., Vice Chairman
Deputy Mayor Susan Gerry, Secretary
Joy Lawrence, Treasurer
Cecile Singer, Board Member
Michael Baratta, Board Member

Absent Members

Peter Kischak, Board Member

Non-Members Present

Melvina Carter, President, CEO
Chuck Lesnick, City Council President
Gregory Young Esq., YIDA Counsel
Pat Serenson, Accountant
Shawn Griffin, Harris Beach PLLC
Arthur Collins, Collins Enterprises
Barbara Carmichael, Collins Enterprises
Andrew Maniglia, Ginsberg Development Corporation
Jim Surdoval, Ginsberg Development Corporation
Michael Curti, City of Yonkers Corporation Counsel
Jeffrey Williams, City of Yonkers Planning and Development
Alfred Del Bello, DelBello Donnellan Weingarten Tartaglis Wise & Wiederkehe, LLP

Roll Call

Mayor Spano called the meeting to order at 8:51 a.m. Mayor Spano highlighted that this was Melvina Carter's first official meeting as the new President and CEO of the Yonkers IDA. A roll call was taken. The following Board Members were noted to be present: Mayor Mike Spano, Deputy Mayor Susan Gerry, Martin Ball, Sr., Michael Baratta, Cecile Singer, Joy Lawrence and non-voting liaison Council President Chuck Lesnick. Peter Kischak was excused. A quorum was established for the conduct of business.

Approval of Minutes for March 20, 2012 Meeting

Mayor Spano referenced the first item on the Agenda which was the Approval of Minutes for March 20, 2012 Meeting. Mayor Spano provided time for the Board Members to review the minutes and then asked if there were any additions or changes necessary and if the board was ready to approve the minutes.

A motion was made by Martin Ball, Sr. to approve the Minutes for March 20, 2012 Board Meeting. The motion was seconded by Cecile Singer. *Approved 6-0*

Approval of Financials for March and April 2012

Mayor Spano introduced the next item on the Agenda which was the Approval of Financials for March and April 2012. Melvina Carter, IDA CEO advised that the financials were provided to the board prior to the meeting for their review. CEO Carter explained that the balance sheet item reflected March to April which went from \$5 million to \$3.5 million was due to the Larkin Garage restricted account which was disbursed in April and had an effect on the balance sheet. CEO Carter added that the income and expense statement which was within budget and the notes were attached. CEO Carter advised that Pat Serenson was present to address any questions regarding the Financials.

A motion was made by Cecile Singer to approve the Financials for March and April 2012. The motion was seconded by Joy Lawrence. *Approved 6-0*

Approval of Re-Inducement Resolution for B.A.T Weinberg LLC - Boyce Thompson

Mayor Spano introduced the next item on the Agenda which was the Approval of Re-Inducement Resolution for Boyce Thompson. CEO Carter introduced Boyce Thompson and advised that the project had been before the IDA in 2009. Shawn Griffin, Harris Beach PLLC explained that Boyce Thompson was induced and the re-inducement is due to the transition of the board and that the Applicant is now looking to obtain from the IDA straight lease transaction: sales tax exemption, PILOT tax agreement and mortgage tax agreement. Mr. Griffin added that the project has had significant delays and Boyce Thompson is complying and moving forward towards necessary approvals with the city and has had some issues to close regarding financing. Mr. Griffin advised that Boyce Thompson would hopefully be back to the board for final resolution.

Joy Lawrence, IDA Board Member inquired about what issues Boyce Thompson had encountered. Mr. Griffin advised that there were some early discussions on the historic nature of the site and the approval process that went through the Planning department. Mr. Griffin also explained that a letter would be sent out to the board with the details.

Chuck Lesnick, City Council Liaison inquired if Boyce Thompson was still issuing payment to the city in the amount of \$6.2-6.5 million. Mr. Griffin advised that they are complying with the contract and they will pay the City. Council President Lesnick

inquired about the amount that was deposited. Mr. Griffin was unable to recall if Boyce Thompson had a deposit requirement as part of the contract since it was being structured as a sales agreement but if there was a deposit Mr. Griffin advised that he would get the info to Council President Lesnick.

Council President added that Boyce Thompson has (not) been able to hold onto the property for over 7 years with minimal investment. Council President Lesnick added that the former City Council President Richard Martinelli had an agreement with Boyce Thompson that they would not landmark the building but would have it kept intact. Council President Lesnick questioned if there was a closing date. Mr. Griffin responded that all IDA projects that have been dealt with have the IDA somewhere in the chain of title but for Boyce Thompson the City and City Council negotiated a direct sale agreement. Mr. Griffin advised that under the agreement as long as Boyce Thompson has demonstrated progress towards final Planning Board approvals and final approvals then Boyce Thompson has met their obligations to remain the purchaser under the contract. Mr. Griffin also added that in terms of expenses no aggregate number was issued.

Mayor Spano inquired how much time Boyce Thompson had before something will take place. Mr. Griffin responded that Boyce Thompson work group has it on the list and will brief the board as the project progresses.

A motion was made by Michael Baratta to approve the Re-Inducement of B.A.T Weinberg LLC - Boyce Thompson. The motion was seconded by Martin Ball, Sr.
Approved 6-0

Approval of Resolution for River Club LLC - Ginsberg

Mayor Spano introduced the next item on the Agenda which was the Approval of Resolution for River Club LLC – Ginsberg. Mr. Griffin explained to the board that River Club had been before the IDA years ago and at one point the project was a rental which was then converted into condominiums. Mr. Griffin added that River Club is before the board for a slightly different proposal and that representatives from the company were present and was looking to get sales tax exemption, straight lease and a PILOT agreement.

Andrew Maniglia, Ginsberg Development Corp representative advised that River Club had been approved back in 2002 as a 428 unit condominium structure then in 2005 it was redesigned into 353 units and extended in 2007, 2009, 2010 and 2012 to March 2013. Mr. Maniglia explained that the building was redesigned due to the market having slipped and poor sales projections for the units as a result. Mr. Maniglia added that River Club has been working with the Planning and Development Board as a 330 rental unit building. Mr. Maniglia highlighted that the project consisted of 2 buildings attached by a long lobby and the structure approximate height was 99 feet. Mr. Maniglia added that the county trunk line runs through property but the property does not sit on wet lands. Mr. Maniglia advised that by around February 2013 and they could be in the ground with (no financing with) no financing from the IDA and the project will consist of 1-2 bedroom rentals with over 330 parking spaces.

Cecile Singer, Board Member inquired if there was a plan to convert the units back to condos if the market improved. Mr. Maniglia advised that the option was being considered but most likely the units will be long term rentals since one and two bedroom condos don't do well in sales.

A motion was made by Michael Baratta to approve the Resolution for River Club LLC – Ginsberg. The motion was seconded by Joy Lawrence. *Approved 6-0*

Approval of Resolution for Collins III LLC

Mayor Spano introduced the next item on the Agenda which was the Approval of Resolution for Collins III LLC. Arthur Collins, Collins Enterprises explained that Collins III would be a residential parcel which would sit on the riverside of the parking structure on .25 acres. Mr. Collins advised that the plan was to build 195 apartments on the property and that they were not looking for financing but other benefits such as PILOT agreement, sales tax and mortgage tax exemption. Mr. Collins added that the project was refinanced in 2011 and new equity investor was brought in with about \$1.3 billion in assets and they are anxious to move forward with the new development.

Mr. Collins described that project and that it was set to be 18-20 stories with amenities and they were also trying to expand the public boardwalk north from the bus station to the Bezack Center. Mr. Collins also highlighted that the project would increase the deck structure for parking. Board Treasurer Lawrence questioned the success of the prior units. Mr. Collins advised that all the units were fully rented. Martin Ball Sr., Board Vice Chairman inquired about the choice for the structure to be 20 stories. Mr. Collins responded that based on the number of units per floor the decision for the structure to rise 20 stories was best. Mr. Collins advised that there wasn't a large amount of housing in the area aside from iPark and there wasn't a real obstruction of the views.

Board Member Singer inquired about rehabilitation of the area and if there were any plans to do so. Mr. Collins explained that some changes will be made to the retail area in front of Xaviars on the Hudson. Mr. Collins added that they were working with the Yonkers Downtown Waterfront BID on social media so that downtown Yonkers can be a destination area.

A motion was made by Martin Ball Sr. to approve the Resolution for Collins III LLC. The motion was seconded by Michael Baratta. *Approved 6-0*

Approval of Resolution for Grant Park II, LP

Mayor Spano introduced the next item on the Agenda which was the Approval of Resolution for Grant Park II, LP. Alfred Delbello of DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehe, LLP explained that Mulford Gardens had been demolished by the Municipal Housing Authority and then replaced the old 550 unit structure with 260 units of new affordable housing. Mr. Delbello advised that the first phase of 100 units had been completed with a community center and the second phase will consist of 56 units. Mr. Delbello added that the future phases require better

financing and Grant Park was looking to receive straight lease, tax benefits and a PILOT agreement similar to the one in the first phase at 30 years and \$2,000 per month plus 20% net cash flow. Mr. Delbello advised that density was lowered and the residents were relocated under HUD regulations to wherever they chose and a number of residents were moved into permanent residences.

Mr. Delbello highlighted that a number of residents have the right to return to the community in low income housing projects such as Vineyard, Ashburton and the School 6 site which is still being developed which will consist of 50 units of senior housing and 70 families with 1 superintendent on hand. Mr. Delbello advised that Grant Park II has been approved by the Planning Board. Council President Lesnick inquired whether HUD wanted the same number of units to be returned to the community. Mayor Spano advised that the residents had been relocated around the city and the units were basically citywide. CEO Carter added that Croton and Ashburton Avenue have contributed to the numbers although the projects were offsite and the IDA played a part in these projects. CEO Carter highlighted that a ribbon cutting for Grant Park slated for June 5th and the board will be receiving an email save the date for the event.

A motion was made by Joy Lawrence to approve the Resolution for Grant Park II, LP. The motion was seconded by Cecile Singer. ***Approved 6-0***

Legal Updates

Mayor Spano introduced the next item on the Agenda which was the Approval of the Personnel Policies and Procedures. CEO Carter advised that the IDA Governance Committee met on April 17th with Peter Kischak and Cecile Singer to review the Personnel Policies and Procedures. CEO Carter informed the board that Board Member Kischak was not present at today's meeting due to lobbying engagement in Albany. Gregory Young, Esq., IDA Counsel explained to the board that changes were made to the policy in order to bring them in line with the City and the eliminated certain language in the documents that had been created for the former President of the agency. Counsel Young advised that the policy has been changed to parallel the city in terms of open enrollment for health and vacation and remove a "golden parachute" for the former CEO of the Agency.

A motion was made by Cecile Singer to approve the Personnel Policies and Procedures. The motion was seconded by Michael Baratta. ***Approved 6-0***

Other Business

CEO Carter advised that there were a few articles that pertained to the IDA and highlighted that later on in the evening there will be a ceremony to issue 30 Yonkers High School seniors \$125,000 in scholarship monies. CEO Carter also recapped that the Grant Park save the date will be sent out to the board.

Adjournment

A motion to adjourn was made at 9:22 a.m. by Cecile Singer and seconded by Martin Ball Sr. ***Approved 6-0***