

AUTHORIZING RESOLUTION
(Yonkers Pier Preservation – Façade Restoration Project)

A regular meeting of City of Yonkers Industrial Development Agency was convened on May 29, 2025. The following resolution was duly offered and seconded, to wit:

Resolution No. 05/2025 - __

RESOLUTION OF THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT
AGENCY AUTHORIZING (A) A ONE-TIME EXPENDITURE OF FUNDS;
AND (B) EXECUTION AND DELIVERY OF ALL RELATED DOCUMENTS
WITH RESPECT TO THE YONKERS PIER PRESERVATION FAÇADE
RESTORATION

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 83 of the Laws of 1982 of the State of New York, as amended (hereinafter collectively called the “Act”), **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called the “Agency”) was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the City of Yonkers (“City”) is the owner of certain public facility known as the “City of Yonkers Pier Facility,” (“Pier”) which is a public park located on the Hudson River Waterfront, 99 Main Street, Yonkers, New York; and

WHEREAS, the Pier includes in part an enclosed two story building and surrounding area containing a full service restaurant and catering facility (the “Facility”); and

WHEREAS, the City, the Agency and Benjamin Restaurant Group LLC (“Benjamin”) contemplate collaborating on a project to invest private resources to renovate and restore and update the Facility, as well as perform ancillary repairs and upgrade work and to operate the Facility as a modern steakhouse and seafood restaurant; and

WHEREAS, the parties have reviewed the anticipated costs and expenses involved to accomplish the proposed improvements comprising the Facility, and have determined that the costs and expenses are commensurate with the tangible and intangible benefits that each party will receive from the installation of the improvements and the use of the facilities as set forth herein;

WHEREAS, the for the first time in/after 20 years, the City has resumed site control of the iconic pier restaurant building and extensive structural repairs and aesthetic external improvements have been identified totaling \$1.2 million dollar which need to be undertaken to before transferring full operational control to the incoming tenant;

WHEREAS, the Facility is an existing Agency “project” (as such term is defined in the Act); and

WHEREAS, the Agency is permitted to expend its funds in support of its projects; and

WHEREAS, the Agency desires to make a one-time expenditure of funds in support of the restoration of the façade of the Facility, in accordance with the proposal by Kiri Construction Corp, dated May 7, 2025 (the “Work”), attached hereto as Exhibit A; and

WHEREAS, the Agency will fund a portion of the Work, in an amount not to exceed \$1.2 Million dollars; and

WHEREAS, the Agency is an “Involved Agency” as that term is defined under Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617.1, et. seq., as amended (“SEQRA”).

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

Section 1. The Agency is hereby authorized to make a one time expenditure for the Work in an amount not to exceed \$1.2 Million dollars.

Section 2. The Chairman, Vice Chairman, President/Chief Executive Officer and/or the Chief Fiscal Officer of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Agreements and any and all related documents reasonably contemplated by these resolutions or required to effect the Agreements with such changes as shall be approved by the Chairman, Vice Chairman, President/Chief Executive Officer and/or the Chief Fiscal Officer upon execution.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such agreements, certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. SEQRA. The Agency hereby finds and determines that the Work is an Unlisted Action pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.5(c)(2), as amended and that no further action under SEQRA need be taken.

Section 5. This resolution shall take effect immediately upon adoption.

Dated: May 29, 2025

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

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mayor Mike Spano	[x]	[]	[]	[]
Susan Gerry	[x]	[]	[]	[]
Melissa Nacerino	[x]	[]	[]	[]
Hon. Cecile D. Singer	[x]	[]	[]	[]
Henry Djonbalaj	[x]	[]	[]	[]
Roberto Espiritu	[x]	[]	[]	[]
Victor Gjonaj	[x]	[]	[]	[]

The Resolution was thereupon duly adopted.

CERTIFICATION

(Yonkers Pier Preservation – Façade Restoration Project)

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

I, SUSAN GERRY, the undersigned Secretary of the City of Yonkers Industrial Development Agency DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the City of Yonkers Industrial Development Agency (the “Agency”), including the resolution contained therein, held on May 29, 2025, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with Article 7.

I FURTHER CERTIFY, that 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ~~29th~~ day of ~~May~~, 2025.

3rd June

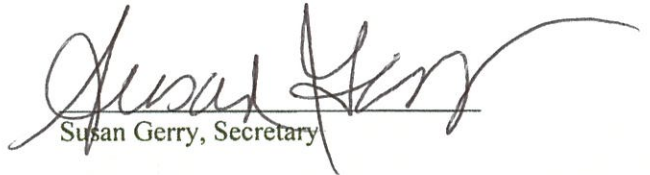

Susan Gerry, Secretary

EXHIBIT A
