

C. Medina – RESTORE III – Pearl Street and West Avenue Revitalization (W809)

November 18, 2010

General Project Plan

- Grantee:** Village of Medina (“Medina” or the “Village”)
- Beneficiaries:** Building owners listed under Beneficiary Contacts
- ESD Investment:** A grant of up to \$102,240 to be used for a portion of the cost of construction and renovations.
- Project Locations:** 107 Pearl Street and 428-432 Main Street, Medina, Orleans County
- Project Completion:** September 2011
- Grantee Contact:** Peggy Crowley, Village Clerk
119 Park Avenue
Medina, NY 14103
Phone: (585) 798-2250 X10 Fax: (585) 798- 0776
- Beneficiary Contacts:** Timothy Cooper (Owner of 170 Pearl Street)
216 West Center
Medina, NY 14104
Phone: (585) 798-4131
- Tom Fenton (Owner of 428-432 Main Street)
420 Main Street
Medina, NY 14104
Phone: (585) 733-7719
- Project Team:**
- | | |
|--------------------|------------------|
| Project Management | Edward Muszynski |
| Affirmative Action | Helen Daniels |
| Environmental | Soo Kang |

Project Description:

Background

Incorporated in 1825, the Village of Medina grew as a result of its proximity to the Erie Canal and to the New York Central Railroad. The Village served as a center for retail and institutional uses. With the changes that have occurred in the Orleans County (the “County”) economy in the last few decades, the ability of the Village’s commercial district to support business activity has lagged, yet it remains important to the County’s economy. According to the 2000 census, the Village’s population is 6,415, with 33.7% of residents over 16 working outside the County. Although two nearby state prisons employ residents, business development and job creation within the Village is a priority.

The Village has a significantly higher proportion of poor and working class residents than

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the County overall. HUD data shows that 62% of Village residents are in low- and moderate-income households. The Village has fared much worse than the rest of the State in the basic indicators of population/household growth and median household income.

The Village has invested heavily in the community in part through the Canal Corridor Initiatives undertaken by state and federal governments and many localities. The Village undertook significant canal-related improvements, such as new paving, boat stations and floating docks equipped with sewer line, pump station and showers.

The Project

The project focuses on two structures in the Pearl Street/Main Street neighborhood near the Village's downtown. The Village is working with property owners to address selected vacant or predominantly vacant residential, commercial and mixed-use properties in the target area. The reuse of each property is unique, with some exclusively commercial and others a mix of commercial/residential uses. The intent is to incentivize private commercial investment in the Village's downtown. This area is specifically identified in the Village's revitalization plan as being in need of public assistance for redevelopment. By encouraging businesses and residents to locate in downtown Medina, the Village hopes to further its revitalization efforts.

Properties and their scopes of work are as follows:

107 Pearl Street: 2,896 square feet – rehabilitation of a 1830s Greek revival building into mixed use with one residential unit and office space.

428-432 Main Street: 21,645 square feet – (The first floor has existing offices. The 2nd and 3rd floors are not used due to water damage). The building will be made weather tight with a new roof and windows. A new heating system will also be installed. The second floor will become apartments and offices. The third floor will house offices.

The anticipated outcomes include stabilization of both structures, including elimination of water infiltration; new residential units; and historic preservation of one building.

Financing Uses	Amount	Financing Sources	Amount	Percent
Building Renovations	\$177,730	ESD Grant	\$102,240	50%
Infrastructure	21,750	Village Equity*	102,240	50%
Soft Costs	5,000			
Total Project Costs	\$204,480	Total Project Financing	\$204,480	100%

*Sources of equity are funds from the buildings' owners.

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Financial Terms and Conditions:

1. Upon execution of the grant disbursement agreement, the Village will reimburse ESD for all out-of-pocket expenses incurred in connection with the project.
2. The Village will be obligated to advise ESD of a materially adverse change in its financial condition prior to disbursement.
3. The Village will ensure the contribution of at least a 10% match of the grant amount to the Project.
4. Up to \$102,240 will be disbursed to Grantee in two installments as follows:
 - a) Up to \$61,250 will be disbursed as reimbursement for eligible costs upon completion of renovations to 107 Pearl Street, including related infrastructure and soft costs, and documentation of project costs totaling \$122,500.
 - b) Up to \$40,990 will be disbursed as reimbursement for eligible costs upon completion of renovations to 428-432 Main Street, including related infrastructure and soft costs, and documentation of project costs totaling \$81,980.

Payments assume that all project approvals have been completed and funds are available, and will be made upon presentation to ESD of an invoice and such other documentation as ESD may reasonably require. Expenses must be incurred on or after May 4, 2009 to be considered reimbursable project costs. Previously expended funds may be applied toward match requirements retroactive to June 23, 2006, when the Restore New York Legislation was enacted.

5. ESD may reallocate the project funds to another form of assistance, at an amount no greater than \$102,240, for this project if ESD determines that the reallocation of the assistance would better serve the needs of the Village and the State of New York. In no event shall the total amount of any assistance to be so reallocated exceed the total amount of assistance approved by the Directors.
6. If the Grantee is not the owner of the Project, then the Grantee shall prohibit, for five years from the date of the initial disbursement of Grant funds, any transfer of the Project in whole or in part, by sale, lease, or conveyance of any interest in or with respect to the Project except (a) transfers of minor interests in the Project site, such as utility easements and limited rights-of-way, and (b)(i) the arms-length basis sale or lease of individual condominium units in the ordinary course of business for a condominium development and (ii) the arms-length basis residential or commercial lease in the ordinary course of business for a commercial, residential, or mixed-use rental development. In the event that such a prohibited transfer occurs within such five-year period, the Grantee shall pay to ESD, promptly upon ESD's written demand therefor, the applicable amount indicated below.

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The Recapture Amount is based on the time that has lapsed between when the Grant funds were disbursed and when the transfer occurred. The Recapture Amount shall be calculated by aggregating the Recapture Amount for each disbursement of the Grant, which in each instance shall be equal to:

- (i) 100% of the disbursed amount if the transfer occurred in the calendar year that the disbursement was made, or in the first full calendar year after the disbursement was made;
- (ii) 80% of the disbursed amount if the transfer occurred in the second full calendar year after the disbursement was made;
- (iii) 60% of the disbursed amount if the transfer occurred in the third full calendar year after the disbursement was made;
- (iv) 40% of the disbursed amount if the transfer occurred in the fourth full calendar year after the disbursement was made;
- (v) 20% of the disbursed amount if the transfer occurred in the fifth full calendar year after the disbursement was made.

Environmental Review:

The Village of Medina, as lead agency, has completed environmental reviews of the proposed projects, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”) and the implementing regulations of the New York State Department of Environmental Conservation. These reviews found the projects to be Type I Actions, which would not have a significant effect on the environment. The lead agency issued respective Negative Declarations on October 8, 2010. ESD staff reviewed the Negative Declarations and supporting materials and concurs. It is recommended that the Directors make a Determination of No Significant Effect on the Environment.

Due to the buildings’ location within the Main Street Historic District, which is listed on the New York State and National Registers of Historic Places, ESD has confirmed that the project sponsors consulted with the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) pursuant to Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. Consultation with OPRHP has been completed for the building at 430 Main Street. For the building at 107 Pearl Street, ESD will ensure that consultation is completed with OPRHP in accordance with a Letter of Understanding.

Affirmative Action:

ESD’s Non-discrimination and Affirmative Action policy will apply. The Village of Medina is encouraged to use its best efforts to achieve a Minority Business Enterprise participation goal of 7% and a Women Business Enterprise participation goal of 3% of the total dollar value of work performed pursuant to contracts or purchase orders entered into in connection with the construction work related to the project and to include minorities and women in any job opportunities created by the project.

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Statutory Basis – Restore NY Communities:

Land Use Improvement Project Findings

1. The area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest sound growth and development of the municipality.
The project involves the rehabilitation of vacant or partially vacant commercial and/or residential buildings, which has been deemed by the Village to arrest sound growth and development in the area.
2. The project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto.
The project involves the renovation of a site that the Village has included in its overall master development plans. The project conforms to the Village's comprehensive plan, prepared in conjunction with the surrounding towns, in 2001, and to the Village's downtown revitalization plan, prepared in 2005. Both plans stress the goals of historic preservation and improvements to commercial buildings, especially to the upper floors.
3. The plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.
The Village published a property assessment list and held a public hearing on the project at the time of application. The Village will ensure compliance with all applicable local laws and regulations.
4. The requirements of Section 10(g) of the Act are satisfied.
There are no families or individuals displaced from the Project area.

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Medina (Orleans County) – Medina – RESTORE III – Pearl Street and West Avenue
Revitalization – Determination of No Significant Effect on the Environment

RESOLVED, that based on the material submitted to the Directors with respect to the Medina – RESTORE III – Pearl Street and West Avenue Revitalization Project, the Corporation hereby determines that the proposed action will not have a significant effect on the environment.

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