NEW YORK STATE OF OPPORTUNITY. Atlantic Yards Community Development Corporation

A Subsidiary of Empire State Development

ATLANTIC YARDS COMMUNITY DEVELOPMENT CORPORATION

at the New York City Offices of
Empire State Development
655 Third Avenue – 4th Floor Conference Room
New York, New York 10017

Meeting of the Directors

Wednesday

March 19, 2025 at 3:00 pm

PROPOSED AGENDA

CORPORATE ACTION

1. Approval of the Minutes of the November 14, 2024 Directors' Meeting

2. AYCDC FY 2025-26 Operating Budget Proposal – Approval of the Corporation's Operating Budget for the Fiscal Year 2025-26 (April 1, 2025 – March 31, 2026)

FOR INFORMATION

3. Updates and Follow-Ups (Oral Reports)

4. Public Comments

Item 1

Atlantic Yards Community Development Corporation
Meeting of the Directors
Shirley A. Chisholm State Office Building
3rd Floor Conference Room
55 Hanson Place
Brooklyn, NY 11217

November 14, 2024

MINUTES

In Attendance	
Directors:	Daniel Kummer, Chair Anand Amin Tamara McCaw Ronald Shiffman Gib Veconi Deborah Young
AYCDC Staff:	Debbie Royce – Corporate Secretary
ESD Staff:	Matthew Acocella – Associate Counsel Courtney Heed – Paralegal Joy Huang – Director, Real Estate Development and Planning Joel Kolkmann – Senior Vice President, Real Estate Anna Pycior – Senior Vice President, Community Relations Arden Sokolow – Executive Vice President, Real Estate Development & Public/Private Partnership David Viana – Assistant Vice President, Community Relations & Subsidiary Administration
Also Present:	New York State Senator Jabari Brisport Allison Mingus, Office of New York State Assemblymember Jo Anne Simon The Public The Press

The meeting of the Atlantic Yards Community Development Corporation ("AYCDC") was called to order at 3:17 p.m. by Chair Daniel Kummer. The Directors were reminded that the meeting was being webcast and that they had received the written materials in advance of the

meeting and were free to ask questions at any time.

Chair Kummer then noted that after each Agenda item is presented and comments from the Directors are received, members of the public would be allowed to provide comments.

The Chair then stated that the public was given an opportunity to comment on the Agenda items by submitting their written comments by 3:00 p.m. the prior day and no written comments were received.

Chair Kummer explained the final item on the Agenda was public comments. He explained at that time the public will be given the opportunity to provide comments on non-Agenda related matters or on matters that were discussed by the Board during the meeting today. Chair Kummer reminded everyone that they intended to conclude the meeting by 5:00 p.m.

Chair Kummer then asked the Directors whether anyone had any potential conflicts of interest with respect to any of the items on the Agenda. Hearing none, he then turned to the first item on the Agenda, the approval of the Minutes of the Directors' Meeting of September 26, 2024.

Chair Kummer expressed he had several edits to make to the Meeting Minutes. He explained he wanted a few sentences on Page 14 to be reworded. He stated he would like to change the word "warned" to "cautioned" the Directors against stating legal conclusions, and

would like to insert the word "speculating" as to what the lessee's positions might be, add a comma after that, and then, wanted it stated for the record, that these were comments and are not to be construed in any way establishing..." In addition, Chair Kummer advised instead of the word "that", just say "anything," and should read; "as a legal" instead of "opinion," substitute the words, "or factual matter."

Director Veconi added he had a few corrections to make as well. He advised that the first correction he would like to make was at the bottom of Page 8, in the last paragraph, the language is describing something that is a little complicated, so he just wanted to make sure that the record was clear about what was being discussed. He stated the word "entities" and "entity" appear three times in this paragraph, referring to different persons. Director Veconi explained the Minutes say "Chair Kummer stated that at a previous meeting, it was explained that the entities who transferred the development rights over the rail yard also received an obligation to build X number of affordable units on those sites and Chair Kummer requested confirmation." Director Veconi explained he would like it to be changed from "transfer" to "the entities who *receive* the development rights." Director Veconi continued then after "over the rail yard," he would like the Minutes to state, "from Greenland Forest City Partners." Director Veconi explained he feels they should make it clear, who had the rights and who received them.

Director Veconi continued, reading the current language which says "Mr. Kolkmann confirmed that there are 800 plus units to be filled, and Ms. Pycior explained that that cannot happen until there's a permitted developer and until the foreclosure is completed. She further explained that once that occurs, the entities would be transferred to this new entity, along with

the obligations." He explained it would be more accurate to read: "the entities holding development rights." Director Veconi continued he would like to change "to this new entity", to instead read "the permitted developer." Chair Kummer concurred with this edit.

Director Veconi explained on Page 10, in the last sentence of the third paragraph the Minutes read, "Director Veconi further noted, there's presumably, some economic value to them and having that not happen." He stated he would prefer the Minutes read, "to them, for having that *not* happen." Director Veconi then thanked Debbie Royce, ESD's Corporate Secretary, for her efforts in capturing the conversations and summarizing the September meeting in the Minutes.

Director Shiffman then provided his corrections. Firstly, on Page 7, when it says "some legal force to vet," and it leaves that open. Director Shiffman explained he would like to insert "to vet *those proposed new entities*." Secondly, on Page 9, on the fourth line down, the Minutes read; "ESD is taking steps to ensure it is creating both a vibrant economy and developing housing, rather than to only protect the present entity," to "present developer." Finally, Director Shiffman explained that on Page 13, on the next to last paragraph and next to last lines, where they are talking about a definition that he put forward about carrying capacity, it should read "sustainability of the area, thus avoiding problems by creating a program for development." He continued, he would insert the words "for development" after "avoiding problems by creating a program."

Hearing no further comments or corrections, upon a motion duly made and seconded,

the following resolution was adopted:

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE SEPTEMBER 26, 2024 MEETING OF THE DIRECTORS OF THE ATLANTIC YARDS COMMUNITY DEVELOPMENT CORPORATION

RESOLVED, that the Minutes of the meeting of the Corporation held on September 26, 2024 as presented to the Directors and revised at the meeting, are hereby approved and all actions taken by the Directors present at such meeting as set forth in such Minutes, are hereby in all respects ratified and approved as actions of the Corporation.

* * *

Chair Kummer then moved on to the next item on the Agenda, which was a presentation with updates on the project by Anna Pycior, ESD's Senior Vice President, Community Relations. Chair Kummer reminded the Directors that this presentation was for information purposes only and no votes will be required, although that does not preclude a motion from being made.

Ms. Pycior explained she was following back on what they have discussed over the past few meetings. She explained ESD has still been reviewing documents from the proposed joint venture for the railyard portion of the site. She expressed she did want to update the Directors that ESD is completing their review of the documents, and once the review is satisfactory to ESD, ESD would proceed with the new joint venture.

Ms. Pycior continued to explain that ESD does not anticipate issues moving forward, and wants to update the Directors on the status of those conversations with the proposed joint venture. Chair Kummer asked Ms. Pycior to provide a timeframe for when they would know

the outcome of the conversations and ESD staff confirmed it will be within the next few weeks.

Director Shiffman then asked if there are any proposed increases in density. Ms. Pycior explained that ESD is not in discussion about the plan itself, it's about who will be at the other side of the table for future conversations and the new development team that would be taking over the project. She explained it is only about who is taking on the rights and responsibilities.

Ms. Pycior then stated there was a Quality-of-Life Meeting on November 6, 2024. She explained these meetings are strictly related to the construction and concerns from the community during construction of various portions of the project. She further explained that over the months, they had accumulated several issues, and this meeting was held on Zoom with members of the community. She noted Senator Brisport, who was in attendance today, also attended the Quality-of-Life meeting. She further noted that some of the concerns discussed were about, among other things, the use of park space, the Plaza, and lighting.

Ms. Pycior then moved onto the next item of the Agenda, which was Engagement. She explained that as discussed with and requested by the Board, ESD has been conferring internally about the question on approaching community engagement, considering the two major remaining portions of the project. Ms. Pycior stated that they have planned to engage an engagement consultant to do a robust public process for the remaining portions of the site. She advised that would include visioning sessions and soliciting input from the public. She also expressed that ESD is recommending that the public engagement process be done through two separate processes; for Site 5 and the B1 site, and second, the railyard portion of the Site.

Ms. Pycior explained that they have conferred internally and are considering that the developments have different terms and timelines and may have different ventures that are responsible and have the rights and obligations. She explained ESD has decided it is practical and thoughtful to do them as separate processes with the community.

Chair Kummer then asked if anyone had any questions. Director Shiffman asked if the process is to determine the program, or to review and sell the product that ESD or the developers are proposing.

Ms. Pycior clarified it would be to review the options and hear what people envision for the site, bring them up to speed on what the obligations are as of now, and discuss with them what the project should look like and to explain the realities of the situation in terms of what the carrying loads are, etc. Director Shiffman asked, who would determine those carrying loads and is there a proposed solution or is it what the capacity of the land and the areas surrounding it can reasonably hold? Mr. Kolkmann explained that the idea is that ESD hold visioning sessions to get input that can be used by the developers to shape what the platform site developments would look like. He acknowledged Director Shiffman's carrying capacity comments and advised that ESD can discuss what that would look like in terms of the scope of work, but the idea is to hold public engagement sessions. He reiterated that ESD wants to hear what people are thinking about different topics.

Director Shiffman explained he wants to understand what the outcome will be here, and will it be a product for the developer or a product for ESD to determine what is the proper

public purposes of these sites? Mr. Kolkmann explained that it would be both. He further explained the public purpose takes priority, and they will be discussing the issues around housing, open space etc. Director Shiffman expressed that it is difficult to know who the proper developer is until it is determined what the goal is for the public, coming out of this process. Director Shiffman explained that perhaps the public process would call for some sort of public entity to develop the site rather than a private developer. His concern is that once there is a private developer, which is the history of the project, each time they run into an obstacle, we then must modify the plan to benefit them.

Director Shiffman continued that, historically, there has been no developer that has met the initial obligations and they always come back to demand more and more. Director Shiffman is concerned that they need to do something that will allow this project to move ahead quickly and effectively and meet the public purpose for which ESD was originally established and not just to protect the private developer. Director Shiffman's concern about the public process is they will be engaging the community to "feel good" about the developer, rather than to really determine what the developer should be doing. Director Shiffman suggested that they wait until there is a permitted developer before engaging in this process. Chair Kummer expressed the goal is to move more quickly, that would likely introduce further delay, and so he wants to have this process started. Director Shiffman countered that he feels that what is proposed would slow the entire development process down.

Director Veconi asked if, since ESD is looking to retain a consultant to facilitate the community engagement process, do they already have an RFP for the consultant, or is that

something that is being drafted? Mr. Kolkmann explained that they have a high-level scope of work for the consultant. Director Veconi then asked if that was something that could be shared with the Board. Arden Sokolow, ESD's Executive Vice President of Real Estate Development & Public/Private Partnership, explained that these types of procurements are typically done through ESD's pre-qualified list. Chair Kummer stated if there is a need for Executive Session to discuss, then the Board can convene one, if that would facilitate the discussion.

Ms. Sokolow stated that ESD is building a lot of flexibility into the agreement. She explained ESD is procuring what it costs to have a meeting instead of being more prescriptive about the maximum number of meetings, for example. She explained in an ideal world, ESD would discuss with stakeholders what that engagement process would be.

Director Veconi expressed that he is not so concerned with the cost of the engagement process or who wins the bid. He explained his concern is that this Board was formed to provide oversight of the public commitments of the Atlantic Yards Project and thus conducting community engagement to figure out how those public benefits get realized is in the scope of the Board's duties. Chair Kummer affirmed his agreement. Director Veconi continued to explain that he thinks it is very important the Board engages in this conversation because it is their duty to be providing some input on the Community Engagement process. Director Veconi asked that ESD staff remember that when making decisions regarding the work of the Atlantic Yards Community Development Corporation. Mr. Kolkmann expressed it is ESD's intent to bring this topic to the Board. Director Veconi stated that he wants the Directors to have a chance to express an opinion about how effectively the task contained in the scope might deliver on

getting community input as to the project benefits, rather than end up with something that we feel could have been improved in some way, but did not have an opportunity to comment on before it was already awarded.

Ms. Sokolow expressed again that the RFP would not be that proscriptive in terms of possible scope of work, and expressed that ESD staff just wants to identify a consultant that has done this type of work before. She noted that once that consultant is found, ESD plans to work with the Board to shape the specifics of the Community Engagement process. Director Veconi asked if this is more like an RFI to get an indication of interest from potential responders. Mr. Kolkmann responded that it's a little more, informing Director Veconi that it is also about how much the meeting would cost.

Director Veconi asked if this process would result in a short list of bidders who can then be informed of the actual scope of the project and then can quote an exact price. Mr. Kolkmann advised that is not necessarily how it happens, but ESD can do it that way. Ms. Sokolow reminded the Directors that there are ways to build in flexibility to the process. Director Veconi asked to confirm that ESD would then pick the consultant, determine what the scope is after figuring out who ESD is interested in based on the fees and experience. Mr. Kolkmann confirmed there would then be thorough conversations with the Board.

Director Veconi asked if it was ESD's expectation that the Directors will review the scope before it is committed with the chosen consultant. Chair Kummer asked whether the cost is ultimately born by the developer and Ms. Sokolow confirmed that to be correct. He then asked

whether the developer signs off on the scope and Mr. Kolkmann emphatically stated that it does not. Chair Kummer stated that he is considering the future scenarios that can arise and he does not want there to be a future conversation where the Board requests another meeting with this group that goes beyond what was approved. Mr. Kolkmann confirmed that is correct.

Director Veconi then requested the Board to make a motion to request a review of the scope prior to it being committed with the consultant. Director Shiffman duly seconded the motion. The Board approved the motion.

Director Veconi then asked about the project plan to split the site into two different developments. He noted the purported rationale for doing so is that the project will be completed more quickly and possibly be handled by two different developers. He stated he wanted to discuss the legal structure of the deal. He noted the developer lost the rights to the rail yards, but still have the rights for Site 5. Director Veconi then asked if Greenland Forest City Partners will present a new developer to take on Site 5. Mr. Kolkmann confirmed that was correct, and that Greenland Forest City Partners is working on bringing on a development partner.

Director Veconi continued that, at that point, there will be a new entity, Related or the Fortress/USIF entity, and the new Site 5 entity on the other part. He noted both will have entities that they've developed at their LLCs that are responsible for those development sites. Director Veconi wanted to know what happens to the Master Development Agreement ("MDA") during this process. He inquired if there is anyone left who has any obligations or

responsibilities under the MDA once they have transferred those interim leases to the new parties. Mr. Kolkmann advised this point is something they are working on with legal counsel to make sure it is structured properly, and is on everyone's radar. Director Veconi stated he had one last idea on the partitioning of these two areas, given the fact that Exhibit K of the Site 5 interim lease made changes to the Arena Block, he thinks that and the use of the Plaza should be considered as part of whatever scope is developed for Site 5. He noted they should look at that as if Exhibit K was not there. Director Veconi continued that it was part of the project, and it was supposed to do certain things, how does that work now? He does not want it to be said that that is not part of the project, to not be considered anymore. Chair Kummer said it is all part of the plan to transfer the development rights from one parcel to another and it seems that the whole should be considered in this process.

Director Veconi asked if anyone is proposing bringing on a consultant to do community engagement for Site 5 yet. Ms. Sokolow confirmed they would be two separate projects, but they might not be on the same timeline.

Director Veconi stated that he believes the last resolution covers whatever happens at the railyard sites and whatever happens with the Site 5 development, if we're doing a community engagement scope. Chair Kummer then interjected that the Board's motion was sufficiently worded to have this point of discussion closed.

Director Shiffman then stated his concerns about what the community participation or engagement process is about. He inquired on what degree the public would have impact on

the size of the building, an impact on the number of units, and the distribution of the units, etc. He expressed he is worried it is a way of just dealing with the colors, rather than the substance. Ms. Pycior explained it is not that at all and while she cannot quantify the percentage of the input from the public, but she can assure the Directors that ESD takes it very seriously. She noted that ESD is doing similar work in other projects in other areas, and it has shaped the results in recent history and other major areas in New York City and around the State. She offered her assurance that it will be taken very seriously, and that public opinion has had impact in other similar instances.

Director Shiffman then stated he wanted to be on the record that he believes they must be careful before they engage in a public process to make sure that it has meaningful impact, and that it is not just a pro forma way of engaging the public without being able to influence the size, the dimension, and the direction of that project. He expressed he cannot see doing the platform housing or the housing along Atlantic Avenue before Site 5 is dealt with, because the two are interrelated. He continued that one is going to demand subsidies from the other, and there is going to be an interrelationship there. Ms. Sokolow explained they would have to see as they have two different entities with two different capacities, different financial capacities, different development capacities, and different timelines. Chair Kummer noted that one site is sitting over a very active transit hub, and one is sitting over rail yards, which presents different complexities and Ms. Sokolow agreed that is correct. Director Shiffman noted that one site will generate more income than the other, and the other would be desirous of subsidies.

Chair Kummer then asked Ms. Pycior if she had anything further in terms of her update. Ms. Pycior confirmed that was her update for engagement. She continued that she wanted to remind the Board that the next scheduled meeting would be the March meeting where the budget will also be discussed. She advised this meeting will be held in Manhattan with ESD's budget team.

Director Shiffman and Director Veconi inquired about ESD reporting back on the resolution just passed, the timeline of receiving details of the scope prior to the March meeting. Ms. Sokolow advised they would talk to the procurement team to figure out what details ESD can share with the Board and when they can share them. Chair Kummer expressed his desire for there to be a Board meeting scheduled for some time in January or early February. Ms. Pycior and Ms. Sokolow told the Directors they would come back to the Board on this point.

Director Shiffman then asked when the Directors would be able to see the scope of the RFP. Ms. Sokolow explained they are still figuring that out. Director Veconi then confirmed with Ms. Sokolow that ESD will not agree to the scope before the Directors see it during a meeting. Director Shiffman then expressed he would like to see somebody who really understands the financing of the projects so that the numbers are not being driven by the developer's needs. Chair Kummer then asked whether ESD's pre-qualified panel of consultants includes people with that kind of financial ability. Mr. Kolkmann confirmed for that kind of scope, the consultant would have that skill set, or could bring on a sub-consultant that has that expertise and capacity.

Ms. Sokolow then asked the Board to clarify their request. She explained there is the option to come back to the Board when somebody is selected and discuss just the scope, or there is the ability for ESD to select somebody and bring them to a meeting to talk to the Directors about how to shape everything. Director Veconi stated he would like the consultant to be present at the meeting as they would not take away from a meeting and might add other things that would be helpful to hear. Chair Kummer agreed that is his preference as well. Director Tamara McCaw also agreed and said she felt it is important that the consultant selected is deeply rooted in community practices around multiple ways of getting information.

Director McCaw continued that the Board has been advocating for this moment during meetings and she expressed her excitement about that and emphasized that she wants to make sure they are a practitioner with the proper roots. She continued that she wants to make sure the consultant has a pedagogy that will engage the community. Director Shiffman agreed that he wants to make sure the consultant that is selected has the capacity to engage the community.

Director Shiffman continued that Director McCaw's request is very important and that is why the Board needs to know the selected consultant. Director McCaw responded that the Board's role is to express the things they are seeking from ESD. Director McCaw stated that she is someone who deeply believes in the public process, and suggested the Directors shine a light on what is going on and what they want for the future of this site and work on moving it beyond the Board meetings, so the project comes into fruition. She reiterated she deeply believes in a public process.

Chair Kummer then moved on to the public comment portion of the meeting. He asked the first member of the public providing comment to state his name. He introduced himself as Robert Puca and advised he had a question for ESD in regard to if Nicholas Mastroianni was still a permitted developer. He advised he wanted to know if ESD had investigated him because he is allegedly an accused felon. Mr. Puca explained he is confused how Mr. Mastroianni could be considered to represent as a permitted developer and asked again if ESD investigated these allegations.

Chair Kummer clarified for Mr. Puca who arrived late, that he previously explained this is a public comment session and this is not a Q&A session. Chair Kummer then expressed that it was his understanding that there would be an update on that issue today. Matthew Acocella, ESD Associate Counsel, advised that ESD is still looking into that and finalizing internal documentation. He explained that based on the information ESD has and based on the structure of the Joint Venture, ESD does not see any bar to proceeding with this joint venture as the permitted developer with Related and USIF in it. Mr. Puca stated he was just asking if ESD was willing to investigate the issue. Chair Kummer again advised that this is not a Q&A session.

Chair Kummer asked if there were any other members of the public with comments. Allison Mingus introduced herself as a representative of Assemblymember Jo Anne Simon. She explained Assemblymember Simon is out of town and not able to be present at the meeting, so she was going to express concerns on her behalf.

Firstly, Ms. Mingus explained Assemblymember Simon wanted to express that she is

hoping to get reassurance that ESD will maintain regular and open communication about this project moving forward with a commitment to deep community engagement. Secondly, she noted Assemblymember Simon is concerned about whether the private equity firm involved in the joint venture is up to the task of representing the community's interest when it comes to the affordable housing promises. She further noted Assemblymember Simon also wanted clarity around the roles of Related, Fortress, and the US Immigration Fund regarding the joint venture. Ms. Mingus explained that Assemblymember Simon wanted to better understand what ESD's review process entails and what is ESD responsible for looking at in their review.

Finally, Ms. Mingus expressed Assemblymember Simon wanted to know how this joint venture affected the timeline for completing the platforms and the required affordable housing, how many affordable housing units will be built, how big will they be and how affordable will the units be. Chair Kummer acknowledged Assemblymember Simon's comments and concerns.

Chair Kummer then asked if there were any other public comments. New York State Senator Jabari Brisport expressed he wanted to echo some of the concerns from the Assemblymember. He also wanted to express his concerns around enforcement of the affordable housing element. He stated there is supposed to be a consequence for the lack of affordable housing units built next year, to whoever is developing the sites. He expressed he was very frustrated to see the lack of enforcement around the loss of the Urban Room a few years ago and he wanted to express concerns regarding ESD not enforcing any penalties on the developer that eventually takes control of the site regarding the timeline on affordable housing.

In addition, he asked an architectural question regarding why the platforms are necessary and why the timeline is so long on the completion. Chair Kummer asked ESD staff if they would address the last question. Mr. Kolkmann responded that the platforms are necessary because it would interfere with MTA track operations. Ms. Sokolow explained there are active train tracks there and trains are moving in and out under there. Chair Kummer added that it is the MTA that controls the development rights above it and they are exercising their entitlement to demand a platform if someone wants to build on top of their tracks.

Director Veconi commented that, as the State Senator mentioned affordable housing, since the last time the Board met, a neighborhood rezoning plan known as the Atlantic Avenue Mixed Use Plan was certified by the Department of City Planning and is now in ULURP review and it will probably reach the City Council in April for a vote. He explained this plan covers an area mostly of six blocks of North Crown Heights between Atlantic Avenue, Bergen Street, Grand Avenue, and Franklin Avenue. He continued that there is also a finger that goes west, along the south side of Atlantic Avenue to Vanderbilt Avenue, so it is a next-door neighbor of the Atlantic Yards Project, and it is a significant residential upzoning. Director Veconi stated that one of the goals of this rezoning is to create significant amounts of affordable housing, not just in privately constructed buildings, of which there will be many in this area, but also on city-owned land that is outside of the rezoning area but is being included in the ULURP as part of a set of community benefits associated with the rezoning.

Director Veconi continued by explaining there are a couple of lots on Bergen Street and Dean Street west of Classon Avenue that aren't today owned by HPD, and those are going to be

redeveloped as 100% affordable housing, including senior housing. He stated there are other lots that are being earmarked for the same thing. Director Veconi explained the reason he is mentioning all of this is because, the Senator's point about remedies for non-performance on the affordable housing commitments at Atlantic Yards, those remedies, just to review, are $2,000 a month for every apartment that does not have a TCO at the end of May of next year. Director Veconi noted that that date is a month after the ULURP for what's called the "Aim Up" plan will be voted on in the City Council. He stated that those remedies will be somewhere in the amount close to a little over $1,000,000 a month, in the month of June 2025.

Director Veconi continued that in the aggregate, they are supposed to be paid to New York City Housing Trust Fund for the purpose of creating and preserving affordable housing for people who live in Community Districts 2, 3, 6 and 8. Director Veconi continued that at exactly the time they become due, there will be a giant rezoning of an area that's intended to create a bunch of affordable housing.

Director Veconi just wanted to emphasize to the Board how unusual of a situation this is. He continued that this is a situation where a State project that was responsible for affordable housing, which cannot deliver, has the opportunity to fund affordable housing literally next door to where the housing was supposed to be. Director Veconi expressed this is a very unusual opportunity and he thinks the Board needs to consider the position the project is in when they think about what to do with those liquidated damages. He suggested they can be put to use directly next door to where those affordable apartments were supposed to be ready at the end of May.

Director Veconi continued that this is a very unusual opportunity to have this project make a meaningful contribution in the near term to affordable housing and its immediate area and he hopes that everybody is aware of that connection. Chair Kummer thanked Director Veconi for this information.

Chair Kummer asked if there were any additional comments from the public. Hearing none, and noting no further business, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary

Item 2

NEW YORK STATE OF OPPORTUNITY. | Atlantic Yards Community Development Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
March 19, 2025

TO: The Directors

FROM: Raymond Orlando

SUBJECT: Atlantic Yards Community Development Corporation
FY 2025-26 Operating Budget Proposal

REQUEST FOR: Approval of the Corporation's Operating Budget for the Fiscal Year ("FY") 2025-26 (April 1, 2025 – March 31, 2026)

I. Background

New York State Finance Law requires that prior to the commencement on April 1 of each new fiscal year, the Directors of Atlantic Yards Community Development Corporation ("AYCDC" or the "Corporation") adopt an annual operating budget. Attached for your review and approval is the proposed AYCDC operating budget (the "Operating Budget") for FY 2025-26 (April 1, 2025 – March 31, 2026).

II. AYCDC FY 2025-26 Operating Budget Summary

The Operating Budget proposes a total of $229,497 in personal services (salaries and fringe benefits) and a total of $20,503 in non-personal services (insurance and other outside services). The total of all budgeted personal and non-personal expenses for FY 2025-26 is $250,000.

The Corporation's FY 2025-26 operating budget will be funded in its entirety from an imprest account funded by project developers and maintained at and by Empire State Development.

III. Non-Discrimination and Contractor & Supplier Diversity

Pursuant to New York State Executive Law Articles 15-A and Article 3 of New York State Veterans' Services Law, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects. Specific goals related to the total value of ESD's funding will be established on a per-contract basis.

IV. Environmental Review

Approval of the Corporation's Operating Budget for FY 2025-26 constitutes a Type II action as defined by the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with this request.

V. Recommendation

Based upon the foregoing, the Directors are requested to ratify and approve the Corporation's proposed FY 2025-26 Operating Budget in the amount of $250,000.

VI. Attachments

Resolution
AYCDC – FY 2025-26 Proposed Operating Budget

March 19, 2025

ATLANTIC YARDS COMMUNITY DEVELOPMENT CORPORATION – AYCDC FY 2025-26 Operating Budget – Approval of the Corporation's Operating Budget for FY 2025-26 (April 1, 2025 – March 31, 2026)

BE IT RESOLVED, based on the materials presented at this meeting and ordered filed with the Corporation (the "Materials"), the Corporation's proposed FY 2025-26 Operating Budget is hereby approved, and adopted in all respects, substantially in the form set forth in the materials and subject to the availability of funds; and be it further

RESOLVED, that the Officers of the Corporation and/or appropriate designees, and each of them hereby are, authorized and directed to take all actions and execute all documents in connection with the establishment and implementation of the Corporation's Budget; and be it further

RESOLVED, that the President of the Corporation or a Designee be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

* * *

Empire State Development
Atlantic Yards Community Development Corporation
FY 2025-26 Proposed Operating Budget

	Board Approved Budget FY 2024-25	Proposed Budget FY 2025-26
PERSONAL SERVICES		
Salaries	$ 156,036	$ 162,764
Fringe Benefits	63,975	66,733
TOTAL PERSONAL SERVICES	$ 220,011	$ 229,497
NON-PERSONAL SERVICES		
Professional Fees		
Legal / Accounting Fees	$ -	$ -
Consultant Fees	-	-
Total Professional Fees	$ -	$ -
Other Non-Personal Services		
Employee Travel & Meals	$ -	$ -
On-line Services/ Due & Subscriptions	-	-
Office Occupancy Expenses	13,250	-
Insurance	10,739	14,503
Other Outside Services	6,000	6,000
Telephone/Internet	-	-
Office Supplies and Expense	-	-
Computers/Software/Equipment	-	-
Total Other Non Personal Services	$ 29,989	$ 20,503
TOTAL NON-PERSONAL SERVICES	$ 29,989	$ 20,503
TOTAL OPERATING BUDGET	$ 250,000	$ 250,000