



New: PACB Vote Approving Penn Redevelopment Plan Completely Abnormal

Analysis of Newly-FOILED Records Confirms July 2022 Penn Resolution One of Only Two of 1,017 “Applications” Voted on by the Public Authorities Control Board NOT about Project Financing

Reinvent Albany reviewed records of 66 months of Public Authority Control Board (PACB) meeting agendas and found that only 2 of the 1,017 “applications” voted on by the board since February 2017 did NOT include a request for approval of project financing.

Reinvent Albany FOILED and analyzed the PACB records because [we believe](#) that the PACB unlawfully exceeded its authority when it voted to approve a resolution broadly supporting the Penn Station Redevelopment General Project Plan in July 2022. That resolution included no financing, revenue, or cost information. Instead, PACB's agenda listed the project amount as “\$N/A,” which we interpret as financing or money “Not Applicable.” Ironic, since Empire State Development (ESD) and the MTA say Penn Station Redevelopment, including rebuilding and potential expanding Penn Station, [will require billions in public funding and financing](#).

(For the curious, the only other PACB vote on an “\$N/A” item was their 2019 approval of the plan for the \$4.5 million [121 West 125th Street Land Use Improvement Project](#).)

The New York State PACB is run by the Governor’s budget office and includes appointees from the State Legislature. The PACB was created as a check on public authority spending, and must approve all financing and funding deals by 12 major state authorities, including Empire State Development (ESD).

The PACB was clearly created to approve “applications” for authority financing. The [law](#) governing the board states:

The New York state public authorities control board shall have the power and it shall be its duty to receive applications for approval of the financing and

construction of any project proposed by...[the] New York state urban development corporation. (a.k.a. ESD)

Elsewhere, the law states:

The board may approve applications only upon its determination that, with relation to any proposed project, there are commitments of such funds sufficient to finance the acquisition and construction of such project.

This research confirms how unusual – and we believe illegal – the July PACB approval of the Penn Station resolution was, and highlights the political nature of the vote. That vote, though [lawfully meaningless](#), gave the Governor the headline and campaign fodder she wanted: *Penn Station Deal Approved*.

Resources

1. Reinvent Albany [Freedom of Information Law \(FOIL\) request](#) for all PACB [agendas](#), minutes, and approved resolutions from February 2017 - July 2022.
2. A collated list of all PACB agenda items can be found [here](#). Note that in addition to the two items listing “\$N/A” as a project cost, two agenda items for “site acquisition” did not list a project cost (19-UD-1780 and 18-UD-1723).
3. Screenshot of July 27, 2022 PACB Agenda item is below, and a link to that agenda is [here](#).

22-UD-1958	
Approving the Pennsylvania Station Area Civic and Land Use Improvement Project	
Project Name	Amount
1 Pennsylvania Station Area Civic and Land Use Improvement Project – PILOT Agreement	\$ N/A
GRAND TOTAL	\$ N/A

4. About the 125th Street Project:
The [121 West 125th Street Land Use Improvement Project](#), also an ESD project, was awarded to revitalize the 125th Street Corridor in Harlem following a 2012 Request for Proposals (RFP). The [2019 application](#) sought an amendment to a 2013 application that had previously been approved by the PACB. Specifically,

the 2019 application sought to: 1) allow ESD to override NYC Zoning Resolutions, 2) modify project square footage estimates, and 3) eliminate a parking garage.

The [approved resolution](#) notes that elsewhere and in separate applications, the PACB would be asked to approve a \$2.5 million Regional Economic Development Council (REDC) grant for project construction and a \$2 million ESD Restore New York grant for demolition and construction costs.