

**SEQR RESOLUTION  
CREATIVE ENVIRONMENTS, LLC AND HENRY STOUT PROJECT**

A regular meeting of Ulster County Industrial Development Agency (the "Agency") was convened in public session in the Karen Binder Library located on the 6<sup>th</sup> Floor of the Ulster County Office Building located at 244 Fair Street in the City of Kingston, Ulster County, New York on April 12, 2017 at 8:00 a.m., local time.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

John Morrow	Vice Chairman
Randall Leverette	Treasurer
John Livermore	Assistant Secretary
James Malcolm	Assistant Treasurer

**ABSENT:**

Michael Horodyski	Chairman
Robert Kinnin	Secretary
Michael Bernholz	Member

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Suzanne Holt	Director, Office of Economic Development
Bernadette Andreassen	Office of Economic Development
A. Joseph Scott, III, Esq.	Agency Counsel

The following resolution was offered by Randall Leverette, seconded by James Malcolm, to wit:

Resolution No. 0417-\_\_\_

RESOLUTION (A) ACCEPTING THE DETERMINATION BY THE TOWN OF SHANDAKEN PLANNING BOARD TO ACT AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF A PORTION OF THE CREATIVE ENVIRONMENTS, LLC AND HENRY STOUT PROJECT (THE "PROJECT") AND ACKNOWLEDGING RECEIPT OF THE NEGATIVE DECLARATION ISSUED WITH RESPECT THERETO AND (B) DETERMINING THAT ACTION TO UNDERTAKE THE REMAINING PORTION OF THE PROJECT IS A "TYPE II ACTION" AND THAT NO FURTHER ACTION IS REQUIRED UNDER SEQRA WITH RESPECT THERETO.

WHEREAS, Ulster County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 787 of the 1976 Laws of New York, as amended, constituting Section 923 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing,

warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Creative Environments, LLC (“Creative”), a New York limited liability company and Henry Stout, an individual (“Stout”) (Creative and Stout being collectively referred to as the “Company”), have each submitted an application (collectively, the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately one (1) acre parcel of land located at 1 Valley View Road (being a portion of Tax Map No. 23.-2-28) in the Town of Shandaken, Ulster County, New York (the “Land”), together with various buildings located thereon (collectively, the “Existing Facility”), (2) the renovation of the Existing Facility and the construction of approximately 10 cottages (the “Cottages”), 1 pavilion (the “Pavilion”) and 1 cabana (the “Cabana”) on the Land containing in the aggregate approximately 8,300 square feet of space (collectively, the “New Facility” and together with the Existing Facility, the “Facility”), and (3) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the “Equipment”), all of the foregoing to constitute a resort and other directly and indirectly related uses; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), the Agency has been informed that (A) the Town of Shandaken Planning Board (the “Planning Board”) was designated to act as the “lead agency” with respect to the portion of the Project consisting of the Cottages (the “Planning Board Portion”) and (B) on February 10, 2017 the Planning Board determined that that the Planning Board Portion is a “unlisted action” which will not have a “significant effect on the environment” and, therefore, that an “environmental impact statement” is not required to be prepared with respect to the Planning Board Portion and issued a negative declaration with respect thereto (the “Negative Declaration”); and

WHEREAS, at the time that the Planning Board determined itself to be the “lead agency” with respect to the Planning Board Portion, it was not known that the Agency was an “involved agency” with respect to the Planning Board Portion, and, now that the Agency has become an “involved agency” with respect to the Planning Board Portion, the Agency desires to concur in the designation of the Planning Board as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Planning Board Portion will not have a “significant effect on the environment” pursuant to SEQRA; and

WHEREAS, the Planning Board's review of the Project with respect to SEQRA did not include the renovation of the Existing Facility, the Pavilion nor the Cabana (collectively, the "Agency Portion"); and

WHEREAS, to aid the Agency in determining whether the Agency Portion may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an environmental assessment form (the "EAF") with respect to the Agency Portion, a copy of which EAF was presented to and reviewed by the Agency at this meeting and a copy of which is on file at the office of the Agency; and

WHEREAS, pursuant to SEQRA, the Agency has examined the EAF in order to make an determination as to the potential environmental significance of the Agency Portion; and

WHEREAS, the Agency Portion appears to constitute a "Type II action" (as said quoted term is defined in the Regulations), and therefore it appears that no further determination or procedure under SEQRA is required with respect to the Agency Portion;

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

Section 1. (A) The Agency has received copies of, and has reviewed, the Application, an environmental assessment form prepared by the Company and the Negative Declaration (collectively, the "Reviewed Documents") and, based upon said Reviewed Documents and the representations made by the Company to the Agency at this meeting, the Agency hereby ratifies and concurs in the designation of the Planning Board as "lead agency" with respect to the Planning Board Portion (as such quoted term is defined in SEQRA).

(B) The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Planning Board Portion will not have a "significant effect on the environment" pursuant to SEQRA (as such quoted phrase is used in SEQRA).

Section 2. Further, based on the Reviewed Documents, the Agency makes the following findings and determinations with respect to the Agency Portion:

(A) The Agency Portion consists of the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site and the purchase of equipment.

(B) Pursuant to Sections 617.5(c)(2) and 617.5(c)(25) of the Regulations, the Agency Portion is a "Type II action" (as said quoted term is defined in the Regulations); and

(C) Therefore, the Agency hereby determines that no environmental impact statement or any other determination or procedure is required under the Regulations with respect to the Agency Portion.

Section 3. The Executive Director of the Agency is hereby directed to file a copy of this Resolution with respect to the Project in the office of the Agency.

Section 4. This Resolution shall take effect immediately.

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

Michael Horodyski	VOTING	<u>ABSENT</u>
John Morrow	VOTING	<u>YES</u>
Robert Kinnin	VOTING	<u>ABSENT</u>
Randall Leverette	VOTING	<u>YES</u>
John Livermore	VOTING	<u>YES</u>
James Malcolm	VOTING	<u>YES</u>
Michael Bernholz	VOTING	<u>ABSENT</u>

The foregoing Resolution was thereupon declared duly adopted.

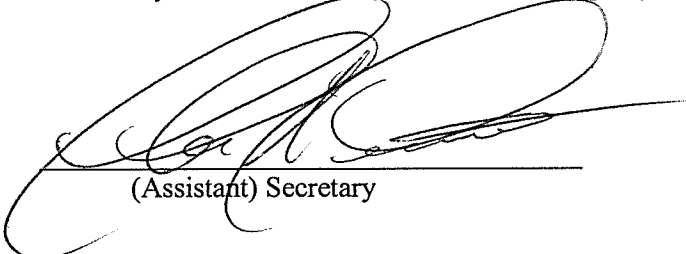
STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF ULSTER                    )

I, the undersigned (Assistant) Secretary of Ulster County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on April 12, 2017 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 12<sup>th</sup> day of April, 2017.

  
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(Assistant) Secretary

(SEAL)