

**RESOLUTION CONFIRMING SEQR DETERMINATION
STAR ESTATE DEVELOPMENT GROUP, LLC PROJECT**

A regular meeting of Ulster County Industrial Development Agency (the "Agency") was convened in public session at the Karen Binder Library, 6th Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York on November 9, 2016 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:

Michael Horodyski	Chairman
John Morrow	Vice Chairman
Randall Leverette	Treasurer
John Livermore	Assistant Secretary
James Malcolm	Assistant Treasurer
Michael Bernholz	Member

ABSENT:

Robert Kinnin	Secretary
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Suzanne Holt	Director, Office of Economic Development
Linda Clark	Office of Economic Development
Christopher Fury	Office of Economic Development
A. Joseph Scott, III, Esq.	Agency Counsel

The following resolution was offered by John Morrow, seconded by John Livermore, to wit:

Resolution No. 1116-____

RESOLUTION CONCURRING IN THE DETERMINATION BY THE TOWN OF
ESOPUS PLANNING BOARD AS LEAD AGENCY FOR THE ENVIRONMENTAL
REVIEW OF THE STAR ESTATE DEVELOPMENT GROUP, LLC PROPOSED
PROJECT.

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 commercial 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 and install one or more “ projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Star Estate Development Group, LLC, a New York limited liability company (the “Company”), has submitted an application (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 27.30 acre parcel of land located at 1835 Broadway (Tax Map #80.1-4-5.200) in the Town of Esopus, Ulster County, New York (the “Land”), together with two (2) buildings located thereon containing in the aggregate approximately 24,100 square feet of space (collectively, the “Facility”), (2) the reconstruction and renovation of the Facility and (3) the acquisition and installation therein and thereon of certain machinery and equipment (the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”), all of the foregoing to be owned by the Company and operated as a restaurant and distillery facility and other directly and indirectly related activities; (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, by resolution adopted by the members of the Agency on April 13, 2016 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Director, Office of Economic Development of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on April 21, 2016 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on April 21, 2016 on a public bulletin board located at Town of Esopus Town Hall, 284 Broadway, Ulster Park, in the Town of Esopus, Ulster County, New York and on the Agency’s website, (C) caused notice of the Public Hearing to be published on April 21, 2016 in The Daily Freeman, a newspaper of general circulation available to the residents of Town of Esopus, Ulster County, New York, (D) conducted the Public Hearing on May 4, 2016 at 7:00 p.m., local time in the Courtroom of the Town of Esopus Town Hall, located at 284 Broadway in the Town of Esopus, Ulster County, New York, and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of 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 Esopus Planning Board (the “Planning Board”) was designated to act as “lead agency” with respect to the Project, and (B) the Planning Board issued a Determination of Non Significance on October 7, 2016 (the “Negative Declaration”), attached hereto as Exhibit A is a copy of minutes of the Town Board of the

Town of Esopus evidencing such issuance, determining that the acquisition, reconstruction, renovation and installation of the Project Facility will not have a “significant effect on the environment”; and

WHEREAS, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project;

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

Section 1. The Agency has received copies of, and has reviewed, the Application and the Negative Declaration (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as “lead agency” with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to the SEQRA and, therefore, that environmental impact statement need be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the “lead agency” with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Negative Declaration.

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>YES</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>YES</u>

The foregoing Resolution was thereupon declared duly adopted.

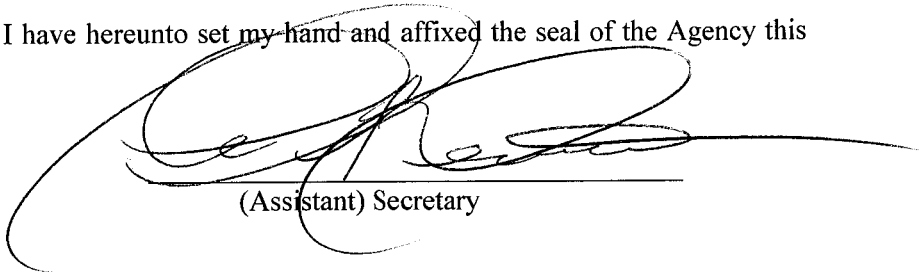
STATE OF NEW YORK)
) SS.:
COUNTY OF ULSTER)

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 November 9, 2016 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.

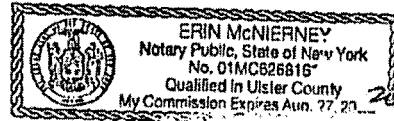
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 9th day of November, 2016.



(Assistant) Secretary

(SEAL)

EXHIBIT A
NEGATIVE DECLARATION



**TOWN OF ESOPUS, NY
TOWN PLANNING BOARD
RESOLUTION of DETERMINATION of ENVIRONMENTAL SIGNIFICANCE
pursuant to SEQR**

**PROJECT: Star Estate Development Group, LLC
Special use permit
Planning Board Case 2016-06**

October 7, 2016.

WHEREAS, the Town of Esopus Town Planning Board is in receipt of an application for approval of a special use permit, pursuant to Chapter 123 of the Town of Esopus Town Code, entitled "Zoning", submitted by Charles Ferri, Paul Seres, et al., d/b/a Star Estate Development Group, LLC, said application having been submitted to the Board in February 2016, and further designated as Planning Board Case 2016-06; and

WHEREAS, the parcel involved with the proposed action are identified on the tax maps for the Town of Esopus as Section 80.001, Block 4, Lot 5.2; and is located within the R-40 residential zoning district; and

WHEREAS, the proposed action consists conversion and expansion of an existing building, to establish a hotel with 25 guest rooms, a restaurant with 52 seats, a craft distillery with an 18 seat tasting room, along with event space; and *10 SEAT SEATING LOUNGE*

WHEREAS, the project will add to the existing structure to provide a terrace, a swimming pool and an also to create an enclosed staircase and elevator on the building's north side; and

WHEREAS, the proposed action will develop parking for 72 vehicles, two truck loading bays; improvements to the existing driveways with modifications to the northerly access onto the state highway system; and expansion of the on-site water supply and wastewater treatment systems; along with landscaping that will add gardens and remove invasive plants; with a total land disturbance calculated to be 0.94 acres; and

WHEREAS, the site of the proposed action is located in close visual proximity of the Vanderbilt Mansion and the Franklin Delano Roosevelt home and library in Hyde Park, publicly-accessible sites that are listed on the National Register of Historic Places, and therefore pursuant to the provisions of Section 617.4(b)(9) of the New York State Environmental Quality Review (SEQR) regulations, the proposed action is a "Type 1 Action"; and

WHEREAS, the project sponsors have completed and submitted Part 1 of the Full Environmental Assessment Form (FEAF); revised through July 27, 2016, in support of the proposed action; and

NOW THEREFORE BE IT RESOLVED, that:

Upon the record of all papers and proceedings had herein, as referenced above and otherwise, and upon the Full Environmental Assessment Form (FEAF) Parts 1, 2 & 3, and the Negative Declaration Statement, which are attached hereto and made a part hereof, the Town Planning Board of the Town of Esopus, New York hereby renders a Determination of Non-Significance (Negative Declaration) pursuant to SEQR for the special use permit application, Planning Board Case 2016-06, submitted by Star Estate Development Group, LLC, for the proposed hotel and distillery.

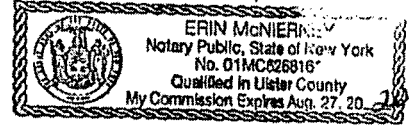
and **BE IT FURTHER RESOLVED, that**

Copies of the attached Negative Declaration statement will be distributed to the following agencies and individuals as follows:

1. Town Supervisor of the Town of Esopus; P.O. Box 700; Port Ewen, NY 12466
2. Town Clerk of the Town of Esopus; P.O. Box 700; Port Ewen, NY 12466
3. Applicant: Star Estate Development Group, LLC, c/o Charles Ferri; P. O. Box 43; West Park, BY 12493.
4. (Involved Agency): David Corrigan, Permit Engineer; New York State Department of Transportation; 11 Quarry Street, Kingston, NY 12401
5. (Involved Agency): Anne Whitehead, Regional Permit Administrator; NYS Dept. Of Environmental Conservation; 21 South Putt Corners Road, New Paltz, NY 12561
6. (Involved Agency): Anthony Puccio; Ulster County Department of Health; 239 Golden Hill Lane; Kingston, NY 12401
7. Environmental Notice Bulletin (Digital Copy)

Original
PB

AO Roanne
10/13/16 1:23pm



**TOWN OF ESOPUS, NY
TOWN PLANNING BOARD
RESOLUTION of DETERMINATION of ENVIRONMENTAL SIGNIFICANCE
pursuant to SEQR**

**PROJECT: Seth Tapper, d/b/a Still River, LLC
Special use permit for hotel and restaurant
Planning Board Case 2015-12.**

October 7, 2016.

WHEREAS, the Town of Esopus Town Planning Board is in receipt of an application for approval of a special use permit, pursuant to Chapter 123 of the Town of Esopus Town Code, entitled "Zoning", submitted by Seth Tapper, d/b/a Still River LLC, said application having been submitted to the Board in September 2015, and further designated as Planning Board Case 2015-12; and

WHEREAS, the parcel involved with the proposed action are identified on the tax maps for the Town of Esopus as Section 80.001, Block 3, Lot 23.1; and is located within the R-40 residential zoning district; and

WHEREAS, the proposed action consists of conversion and expansion of the existing building to create a hotel along with an accessory restaurant and bar, and also the construction of four (4) new 24 foot by 30 foot "cottage" buildings at various locations on the site, plus the introduction of formal gardens, vegetable gardens, construction of fences and pathways, extension of the on-site water supply system and expansion of the on-site wastewater treatment system, and

WHEREAS, the proposed action will create a total of nine (9) rentable rooms; a restaurant capacity of 14 seats and a bar capacity of 8 seats; and

WHEREAS, the existing parking area that was developed for the commercial trade school is of such capacity that no additional expansion is required and some spaces may be removed as part of the proposed landscaping; and

WHEREAS, the proposed action is calculated to disturb 0.81 acres of land; and

WHEREAS, the site of the proposed action is located in direct visual proximity of the Vanderbilt Mansion in Hyde Park, a site listed on the National Register of Historic Places, and therefore pursuant to the provisions of Section 617.4(b)(9) of the New York State Environmental Quality Review (SEQR) regulations, the proposed action is a "Type 1 Action"; and

WHEREAS, the project sponsors have completed and submitted Part 1 of the Full Environmental Assessment Form (FEAF); revised through August 26, 2016, in support of the proposed action; and

WHEREAS, the project sponsor has submitted a Cultural Assessment Study, Phases 1A and 1B, dated May 5, 2016, which did not identify any materials, archaeological sites or buildings or structures that would be eligible for listing on the State and National Registers of Historic Places, and further concluded that the proposed action will not adversely affect cultural resources on or adjacent to the project site; and

WHEREAS, the proposed action was referred to the New York State Office of Historic Preservation for review and comment, and said agency was in agreement with the conclusions of the Cultural Assessment Study; and

WHEREAS, the project sponsor has submitted a Habitat and Rare/Threatened/Endangered Species Assessment study, dated January 14, 2015, which concluded that the proposed action would not have a significant adverse impact upon the identified habitats that exist on or near the site, nor upon the listed species of plants and animals; and

WHEREAS, the project sponsor has also submitted detailed site plans, landscaping plans, details of proposed fences and walls; visual simulations, calculations for the septic system expansion, calculations on required parking and anticipated traffic generation, in support of the proposed action, and

WHEREAS, the Town of Esopus Planning Board, after due notification to the involved state and county agencies, declared itself on January 15, 2016 to be "Lead Agency" pursuant to SEQR for this proposed action; and

WHEREAS, the Town Planning Board has reviewed the project documentation submitted by the applicant, including all materials submitted to comply with the SEQR requirements; and further the members of the Planning Board have familiarized themselves with the project documentation and with the project site; and

WHEREAS, the Town Planning Board is in receipt of a draft of both Parts 2 and 3 of the Full EAF (FEAF), and a draft Negative Declaration statement, prepared by its consultant, in support of a Determination of Non-Significance (Negative Declaration) pursuant to SEQR; and

WHEREAS, the Town of Esopus Town Planning Board has taken into consideration the relevant details of the proposed action, the opinions of all involved and interested agencies, the opinions of the public, the advice of its consultants, and its own judgement with regards to the potential impacts identified in Part 2 of the FEAF and their significance as discussed in Part 3 of the FEAF; and

WHEREAS, the Town of Esopus Planning Board has not identified any significant adverse impacts that will or may occur from the proposed action.

Motion made by:

Darin DeKoskie

Seconded by:

Dan Michaud

The vote of the Town of Esopus Town Planning Board being as follows:

	Yes	No	Abstain	Excused/Absent
Chairperson Roxanne Pecora	✓			
Member Mark Anderson	✓			
Member Robert Brakman				✓
Member Darin DeKoskie	✓			
Member Daniel Michaud	✓			
Member Margaret Yost	✓			
Member Fred Zimmer	✓			

WHEREUPON, the Resolution was declared adopted by the Town Planning Board of the Town of Esopus on this day of

October 12....., 2016.

Roxanne Pecora.....

Roxanne Pecora, Chairperson
Town of Esopus Planning Board

Prepared by MLPC
M.L.Putman Consulting