

**RESOLUTION CONFIRMING SEQR DETERMINATION  
2007 ROUTE 9W 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, 24 Fair Street, Kingston, New York on August 10, 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
Robert Kinnin	Secretary
James Malcolm	Assistant Treasurer
Michael Bernholz	Member
Randall Leverette	Member

**ABSENT:**

John Livermore	Assistant 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 Robert Kinnin, seconded by John Morrow, to wit:

Resolution No. 0816-\_\_\_\_\_

**RESOLUTION CONCURRING IN THE DETERMINATION BY THE TOWN OF  
LLOYD PLANNING BOARD AS LEAD AGENCY FOR THE ENVIRONMENTAL  
REVIEW OF THE 2007 ROUTE 9W 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, 2007 Route 9W 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 approximate 5.9 acre parcel of land located at 10 Lumen Lane (Tax Map # 88.1-6-1.100) in the Village of Highland, Town of Lloyd, Ulster County, New York (the “Land”), (2) the construction on the Land of a new building to contain approximately 17,600 square feet of space (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 commercial office and warehouse facility and any directly or 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 August 10, 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 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 (1) the Town of Lloyd Planning Board (the “Planning Board”) was designated to act as “lead agency” with respect to the Project, and (2) the Planning Board issued a Determination of Non Significance on September 24, 2015 (the “Negative Declaration”), attached hereto as Exhibit A is a copy of minutes of the Town Board of the Town of Lloyd evidencing such issuance, determining that the acquisition, construction 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	YES
John Morrow	VOTING	YES
Robert Kinnin	VOTING	YES
John Livermore	VOTING	ABSENT
James Malcolm	VOTING	ABSTAIN
Michael Bernholz	VOTING	YES
Randall Leverette	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

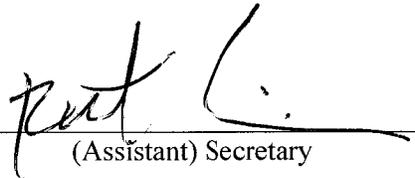
STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF ULSTER                    )

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 August 10, 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 10<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
(Assistant) Secretary

(SEAL)

EXHIBIT A  
NEGATIVE DECLARATION

*K. Schoonover*  
09.25.15

**RESOLUTION  
TOWN OF LLOYD PLANNING BOARD  
SEQR Negative Declaration & Set Public Hearing**

PROJECT NAME: Servpro  
PROPERTY OWNER: 2007 Rt. 9W LLC  
PROJECT LOCATION: 10 Lumen Lane  
IDENTIFIED AS: 88.1-6-1.100  
  
SEQR TYPE ACTION: Unlisted Action  
APPLICATION DESCRIPTION: Site Plan for commercial building with offices and warehouse

At a meeting of the Town of Lloyd Planning Board held at the Town of Lloyd Town Hall, 12 Church Street, Highland, New York 12528 on Thursday, September 24, 2015 at 7:00 p.m., there were board members:

	<u>Present</u>	<u>Absent</u>
Chairman Scott Saso	_____	<u>X</u>
Brad Scott	_____	<u>X</u>
Lawrence Hammond	<u>X</u>	_____
Carl DiLorenzo	<u>X</u>	_____
Dave Plavchak	<u>X</u>	_____
William Ogden	<u>X</u>	_____
Fred Pizzuto	_____	<u>X</u>
Alt, Peter Brooks	<u>X</u>	_____
Alt, Fred Riley	<u>X</u>	_____

The following resolution was moved by: Lawrence Hammond  
Seconded by: Peter Brooks

**WHEREAS**, the applicant desires site plan approval for office space and 15,000 s.f. warehouse;

**WHEREAS**, the Planning Board of the Town of Lloyd is empowered to review site plans;

**WHEREAS**, the applicant has submitted the following materials in support of this application:

- Short form EAF
- Current Deed and a letter of intent
- Surveyed site plan map submitted by Peak Engineering dated Sept. 3, 2015; and

WHEREAS, the Planning Board discussed the proposed use of the building;

NOW THEREFORE BE IT RESOLVED THAT the Planning Board, as SEQRA lead agency, issues a Negative Declaration, deciding that the impact to the surrounding neighborhood is negligible as far as the visual, traffic and noise impacts to the surrounding area; and

BE IT FURTHER RESOLVED the Planning Board has set a date for a public hearing to be held on Thursday, October 22, 2015 at 7:00 PM.

	AYE	NAY	ABSTAIN	ABSENT
Chairman Scott Saso	_____	_____	_____	<u>  X  </u>
Brad Scott	_____	_____	_____	<u>  X  </u>
Lawrence Hammond	<u>  X  </u>	_____	_____	_____
Carl DiLorenzo	<u>  X  </u>	_____	_____	_____
Dave Plavchak	<u>  X  </u>	_____	_____	_____
William Ogden	<u>  X  </u>	_____	_____	_____
Fred Pizzuto	_____	_____	_____	<u>  X  </u>
Alt, Peter Brooks	<u>  X  </u>	_____	_____	_____
Alt, Fred Riley	<u>  X  </u>	_____	_____	_____

6 Ayes, 0 Nay, 0 Abstain, 3 Absent

**Motion Carries**

THIS VOTE IS CERTIFIED THIS 24th DAY OF September 2015.

THIS RESOLUTION IS APPROVED AND HEREBY ORDERED TO THE RECORD THIS 24th DAY OF September, 2015.

By: Patricia Rohan  
Secretary  
Planning Board/Zoning Board of Appeals

By: David S. Saso (acting)  
Scott C. Saso, Chairman  
Town of Lloyd Planning Board