

**RESOLUTION CONFIRMING SEQR DETERMINATION
KINGSTONIAN DEVELOPMENT, LLC PROJECT**

A regular meeting of Ulster County Industrial Development Agency (the “Agency”) was convened on January 20, 2021 at 9:00 o’clock a.m., local time, in public session via video conference as authorized pursuant to Executive Order No. 202.1, as supplemented, issued by New York State Governor Andrew M. Cuomo, suspending provisions of Article 7 of the Public Officers Law that require public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service.

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

PRESENT:

Chair
Vice Chair/Assistant Treasurer
Treasurer
Secretary
Assistant Secretary
Assistant Secretary
Chief Financial Officer/Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Rose Woodworth	Chief Executive Officer Local Counsel Special Counsel
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The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 1020 -

**RESOLUTION CONCURRING IN THE DETERMINATION BY CITY OF KINGSTON
PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW
OF THE KINGSTONIAN DEVELOPMENT, 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 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 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, in June, 2020, Kingstonian Development, LLC, a New York State limited liability company (the “Company”), 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 certain parcels of land containing in the aggregate approximately 2.72 acres and located on Fair and North Front Streets in the City of Kingston, Ulster County, New York (collectively, the “Land”), together with the existing improvements located thereon (collectively, the “Existing Facility”); (2) the demolition of the Existing Facility; (3) the construction of a public access pedestrian plaza on the Land (the “Plaza Improvements”); (4) the construction of an approximately 420 car parking garage (the “Parking Facility”); (5) the construction on the Land of various improvements, including approximately 143 residential units, including approximately 14 affordable housing units; approximately 9,000 square feet of commercial space, and an approximately 32-room boutique hotel (collectively, the “Facility”); and (6) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the “Equipment”) (the Land, the Facility, the Plaza Improvements, the Parking 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 mixed used residential, commercial, hotel, parking and retail facility, and any 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 property 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 September 9, 2020 (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 Chief Executive Officer 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 September 21, 2020 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 (1) September 21, 2020 on the Agency’s website and (2) September 22, 2020 at the City of Kingston City Hall located at 420 Broadway in the City of Kingston, Ulster County, New York, (C) caused notice of the Public Hearing to be published on September 21, 2020 in the Daily Freeman, a newspaper of general circulation available to the residents of City of Kingston, Ulster County, New York, (D) as a result of the ban on large meetings or gatherings pursuant to Executive Order 202.1, as supplemented, and the suspension of the Open Meetings Law relating to public hearings pursuant to Executive Order 202.15, as supplemented, each as issued by Governor Cuomo in response to the novel Coronavirus (COVID-19) pandemic, conducted the Public Hearing on October 1, 2020 at 7:00 o’clock p.m., local time electronically via conference call and zoom video conference rather than in person, 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 (1) the City of Kingston Planning Board (the “Planning Board”) was designated to act as “lead agency” with respect to the Project, and (2) the Planning Board issued a Negative Declaration of Environmental Significance on December 16, 2019 (the “Negative Declaration”), attached hereto as Exhibit A, 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, the environmental assessment form prepared by the Company 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 an environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. 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:

James Malcolm	VOTING	_____
Faye Storms	VOTING	_____
Diane Eynon, Ph.D.	VOTING	_____
Michael J. Ham	VOTING	_____
Orlando Reece	VOTING	_____
Daniel Savona	VOTING	_____
Richard O. Jones	VOTING	_____

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 January 20, 2021 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”), except as modified by Executive Order 202.1, as supplemented, 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, either in-person or appearing telephonically in accordance with Executive Order 202.1, as supplemented, 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 _____ day of January, 2021.

(Assistant) Secretary

(SEAL)

EXHIBIT A
NEGATIVE DECLARATION
- SEE ATTACHED -



RECEIVED:
 RECEIVED BY: *[Signature]*
 DATE: 12/17/19
 TIME: 8:47 am

Resolution of the City of Kingston Planning Board
 Adopting a Negative Declaration of Environmental Significance for the Kingstonian located
 at #9-17 and 21 North Front Street and #51 Schwenk Drive (SBL 48.80-1-25, 26 & 24.120)
 Under the SEQR Process (6 NYCRR Part 617)

Motion By: Wayne Platte
 Second By: Charles Polacco

WHEREAS, Kingstonian Development Group, LLC, "the Applicant" submitted an application and plans, to construct a mixed use building for a 420 car garage, 143 apartments, 32 room boutique hotel, and 9,000 SF retail/restaurant space, pedestrian plaza and walking bridge within the C-2 (Commercial) zone and MUOD (Mixed Use Overlay District) and the Stockade Historic District along with a completed Part I of the Full Environmental Assessment Form, to the City of Kingston Planning Board, (the Action); and

WHEREAS, the project is located at #9-17 and 21 North Front Street and #51 Schwenk Drive (SBL 48.80-1-25,26 and 24.120), Kingston, New York; and

WHEREAS, the Board determined the Action to be recognized as Type I under SEQR adopted a resolution on June 3, 2014 to declare Lead Agency Status; and

WHEREAS, after review and deliberation of all supporting plans and documents prepared by the applicant which address staff and public comment received, it is determined as follows.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF KINGSTON PLANNING BOARD, AS FOLLOWS:

Section 1: That pursuant to 6 NYCRR Part 617, the City of Kingston Planning Board hereby renders a Determination of Negative Environmental Significance, recognizing all conditions as described within the document presented and adopts the Negative Determination as final and all issues mitigated.

Section 2: That all identified Involved and Interested Agencies will be notified of the Kingston Planning Board determination of this decision.

Section 3: That the Kingston Planning Office is directed to submit notice to the State Environmental Notice Bulletin for publication as required by the statute.

Section 5: That this resolution shall take effect immediately.

MEMBERS	SIGNATURE	YES	NO	RECUSE
Wayne Platte	<i>[Signature]</i>	✓		
Charles Polacco	<i>[Signature]</i>	✓		
Maryjo Wiltshire	<i>[Signature]</i>	✓		
Robert Jacobsen	<i>[Signature]</i>	✓		
Matthew Gillis	<i>[Signature]</i>	✓		
Jamie Mills				
Kevin M. Roach		✓		
TOTALS				

[Signature]
 Wayne Platte Jr., Planning Board Chairman

12/16/19
 Date