

**RESOLUTION CONFIRMING SEQR DETERMINATION  
KAN-PAK, LLC PROJECT**

A regular meeting of Yates County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at One Keuka Business Park, Suite 104, in the Town of Jerusalem, Yates County, New York on April 4, 2019 at 8:00 o'clock a.m./p.m., local time.

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

**PRESENT:**

Gene Pierce	Chairman
Jerry Hiller	Vice Chairman
Rita Gow	Treasurer
Sirene Garcia	Assistant Secretary/Treasurer
William Holgate	Member
Jim Willson	Member

**ABSENT:**

Dr. Kim Williams	Secretary
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**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Steve Griffin	Chief Executive Officer
Doreen Jensen	Chief Financial Officer
Michael Lipari	Economic Development Specialist

The following resolution was offered by Jerry Hiller, seconded by Rita Gow, to wit:

Resolution No.   19-  

**RESOLUTION CONCURRING IN THE DETERMINATION BY THE VILLAGE OF  
PENN YAN PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL  
REVIEW OF THE KAN-PAK, LLC PROPOSED PROJECT.**

WHEREAS, Yates 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 113 of the 1975 Laws of New York, as amended, constituting Section 893-b 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, in February, 2019, Kan-Pak, LLC, a State of Delaware 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 several parcels of land located at (a) 105 Horizon Park Drive in the Village of Penn Yan, Town of Milo, Yates County, New York (Tax Map # 61.44-1-2), (b) 109 Horizon Park Drive in the Village of Penn Yan, Town of Milo, Yates County, New York (Tax Map # 61.36-1-2.1), (c) Horizon Park Drive in the Village of Penn Yan, Town of Milo, Yates County, New York (Tax Map # 61.36-1-6), (d) Horizon Park Drive in the Village of Penn Yan, Town of Milo, Yates County, New York (Tax Map # 61.36-1-2.2) and (e) Horizon Park Drive in the Village of Penn Yan, Town of Milo, Yates County, New York (Tax Map # 61.44-1-4), containing in the aggregate approximately 14 acres (collectively, the "Land"), (2) the construction on the Land of a new building to contain approximately 200,000 square feet of space, together with a waste water treatment facility (collectively, 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 hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be owned and operated by the Company and to constitute a dairy products manufacturing and distribution 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 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 February 20, 2019 (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 March 18, 2019 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 March 18, 2019 at Yates County Courthouse located at 415 Liberty Street in the Village of Penn Yan and on a public bulletin board located at the offices of the Town of Milo located at 137 Main Street, in Penn Yan, New York (C) caused notice of the Public Hearing to be published on March 20, 2019 in The Chronicle Express, a newspaper of general circulation available to the residents of the Village of Penn Yan, Town of Milo, New York, (D) conducted the Public Hearing on April 3, 2019 at 9:00 o'clock a.m., local time at the offices of the Agency located at One Keuka Business Park, Suite 104, in the Village of Penn Yan, Yates 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 (1) the Village of Penn Yan 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 February 7, 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 YATES 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 not 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:

Gene Pierce	VOTING	Yes
Jerry Hiller	VOTING	Yes
Rita Gow	VOTING	Yes
Dr. Kim Williams	VOTING	Absent
Sirene Garcia	VOTING	Yes
William Holgate	VOTING	Yes
Jim Willson	VOTING	Yes

The foregoing Resolution was thereupon declared duly adopted.

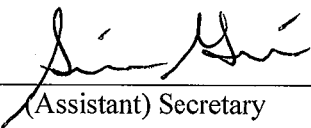
STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF YATES            )

I, the undersigned (Assistant) Secretary of Yates 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 4, 2019 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 4th day of April, 2019.

  
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(Assistant) Secretary

(SEAL)

EXHIBIT A  
NEGATIVE DECLARATION

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
 Notice of Determination of Non-Significance

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Project Number SP-7-18

Date: February 7, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Penn Yan Planning Board as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

KanPak U.S. Penn Yan

**SEQR Status:**      Type 1        
                                  Unlisted     

**Conditioned Negative Declaration:**       Yes  
     No

**Description of Action:**

195,000 ft<sup>2</sup> warehouse expansion and new wastewater treatment facility.

**Location:** 105 Horizon Park Drive, Penn Yan, NY 14527, County of Yates.

**Reasons Supporting This Determination:**

The impact of a considerably sized expansion in an area largely consisting of business and commercial enterprise has been deemed to be acceptable and not considered excessive, with regard to aesthetics, existing air quality, traffic patterns, or noise; and would not change existing impacts on vegetation, fauna, or habitat.

Due to the planned stormwater management pond there was a determination the project would have minimal impact on the quality or quantity of surface and ground water, and no impact on potential erosion, drainage issues or flooding.

Waste disposal issues will be effectively mitigated by the proposed on-site wastewater treatment system.

The expected change in the quantity of energy usage to require a new or an upgrade to substation, or an extension to existing supply and transmission, was determined to have a small impact.

The expansion would not cause there to be a substantial change in the land use density or in the capacity to support existing uses.

The project location does not fall wholly or partially within, nor is it substantially contiguous to an historic boundary, public park land, recreation area, or designated open space.

Although the site is located in an area registered as having possible archaeological resources the State Historic Preservation Office investigation concluded in their report on the Horizon Business Park Development dated October 26, 2000 the area had none that would be of cultural importance.

There is no evidence the site would contain species on the endangered list.

The project will not impair any environmental characteristics of the area.

Growth and subsequent development induced by this activity is compatible with the Comprehensive Master Plan.

**For Further Information:**

Contact Person: Stan Olevnik, Chairman  
Address: Village of Penn Yan, PO Box 426, Penn Yan, NY 14527  
Telephone Number: (315) 536-3015

**A Copy of this Notice was sent to:**

NYS DEC, Environmental Notice Bulletin, 625 Broadway-4<sup>th</sup> Floor, Albany NY 12233-1750