

**RESOLUTION CONFIRMING SEQR DETERMINATION  
KEUKA LAKE HOTEL LLC PROJECT**

A regular meeting of the Yates County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at One Keuka Business Park, Suite 104, in the Town of Jerusalem, Yates County, New York on August 21, 2019 at 8:00 o'clock a.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
Rita Gow	Treasurer
Dr. Kim Williams	Secretary
Sirene Garcia	Assistant Secretary/Treasurer
William Holgate	Member
Jim Willson	Member

ABSENT:

Jerry Hiller	Vice Chairman
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Steve Griffin	Chief Executive Officer
Doreen Jensen	Chief Financial Officer

The following resolution was offered by Jim Willson, seconded by Dr. Kim Williams, to wit:

Resolution No. 0819-

**RESOLUTION CONCURRING IN THE DETERMINATION BY THE VILLAGE OF  
PENN YAN PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL  
REVIEW OF THE KEUKA LAKE HOTEL 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 January, 2019, Keuka Lake Hotel LLC, a New York 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 a parcel of land containing approximately 6.58 acres located at 110 Mace Street and Lake Street (Tax Map #s 61.33-1-9.11 and 61.33-1-9.12) in the Village of Penn Yan, Town of Milo, Yates County, New York (the “Land”), together with the existing approximately 72 room hotel facility located thereon (the “Existing Facility”), (2) the construction on the Land of an addition to contain approximately 13,000 square feet of space to the Existing Facility (the “Addition”) (the Existing Facility and the Addition hereinafter collectively referred to as the “Facility”), (3) the renovation and reconstruction of the Existing Facility, and (4) the acquisition and installation of certain machinery and equipment therein and thereon (the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute an expansion and renovation of the existing hotel facility to include a commercial hotel banquet facility and conference center and any other 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 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 the Village of Penn Yan, New York, and on the Agency’s website, (C) caused notice of the Public Hearing to be published on March 18, 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 9:30 o’clock a.m., local time at Village of Penn Yan Meeting Room located at 111 Elm Street 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 March 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	<u>Yes</u>
Jerry Hiller	VOTING	<u>Absent</u>
Rita Gow	VOTING	<u>Yes</u>
Dr. Kim Williams	VOTING	<u>Yes</u>
Sirene Garcia	VOTING	<u>Yes</u>
William Holgate	VOTING	<u>Yes</u>
<u>Jim Willson</u>	VOTING	<u>Yes</u>

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 August 21, 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 21<sup>st</sup> day of August, 2019.

  
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(Assistant) Secretary

(SEAL)

EXHIBIT A  
NEGATIVE DECLARATION

-SEE ATTACHED-

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

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Project Number SP-1-19

Date: March 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:**

Keuka Conference Center

**SEQR Status:** Type 1   
Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

12,340 sf structure with connection to existing hotel with associated parking improvements and site amenities.

**Location:** 110 mace Street & 301 Lake Street, Penn Yan, NY 14527, County of Yates.

**Reasons Supporting This Determination:**

The impact of a hotel conference center structure situated in an area with a large concentration of commercial enterprise and adjacent to a high-use State right-of-way is 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.

There are existing storm water ponds and a retention basin with aquatic plants for water quality control that will effectively handle any additional quantity of surface and ground water so it was determined that there would be no impact on potential erosion, drainage issues, or flooding.

There is not expected to be a major change in either the quantity or type of energy used.

There will not be a substantial change in the land use density or in the capacity to support existing uses.

The conference center structure will not have any impact on important historical aesthetic resources.

The area to be used for the structure does not contain species on the endangered list.

The project will in no way impair any environmental characteristics of the area.

Growth and subsequent development possibly induced by this activity would be related to tourism and would be supported by the community in this location as defined in 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