

**RESOLUTION CONFIRMING SEQR DETERMINATION
MILL HOLLOW TWO LLC PROJECT**

A regular meeting of Town of Guilderland Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Guilderland Town Hall on Western Avenue, Route 20 in the Town of Guilderland, Albany County, New York on August 15, 2016 at 8:00 o’clock 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:

William N. Young, Jr.	Chairman
James Shahda	Vice Chairman
Walter Pacholczak	Secretary/Assistant Treasurer
Christopher Bombardier	Assistant Secretary/Treasurer
Vera Dordick	Member
Kevin Hicks	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Donald Csaposs	Chief Executive Officer
Linda Cure	Administrative Assistant
A. Joseph Scott, III	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0816-__

RESOLUTION CONCURRING IN THE DETERMINATION BY THE TOWN OF
GUILDERLAND TOWN BOARD, AS LEAD AGENCY FOR THE
ENVIRONMENTAL REVIEW OF THE MILL HOLLOW TWO LLC PROPOSED
PROJECT.

WHEREAS, Town of Guilderland 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 146 of the 1973 Laws of New York, as amended, constituting Section 909-a 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, Mill Hollow Two 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 12.99 acres and located at 5060 Western Turnpike in the Town of Guilderland, Albany County, New York (the “Land”) together with the existing building containing approximately 14,000 square feet of space located on the Land (the “Existing Facility”) and formerly known as the Bavarian Chalet Building, (2) the renovation of the Existing Facility, (3) the construction on the Land of approximately eighteen (18) new buildings to contain approximately 185,000 square feet of space (collectively, the “New Facility,” and together with the Existing Facility, hereinafter collectively referred to as the “Facility”), and (4) 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 as a market rate residential rental facility, together with a senior community center and clubhouse, 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 July 18, 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 Executive Director 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 July 21, 2016 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on July 19, 2016 on a bulletin board located at Town Hall in the Town of Guilderland, Albany County, New York, (C) caused notice of the Public Hearing to be published on July 22, 2016 in the Times Union and on July 21, 2016 in The Altamont Enterprise, both newspapers of general circulation available to the residents of the Town of Guilderland, Albany County, New York, (D) conducted the Public Hearing on August 2, 2016 at 7:00 o’clock p.m., local time at the Town of Guilderland Town Hall located at 5209 Western Avenue, Route 20 in the Town of Guilderland, Albany County, New York and (E) prepared a report of the Public Hearing (the “Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said 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 Town of Guilderland Town Board (the "Town Board") was designated to act as "lead agency" with respect to the Project, and (2) the Town Board issued a Determination of Non Significance (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 Town 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 Town 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 TOWN OF GUILDERLAND 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 Town 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 Town 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 Town Board of the concurrence by the Agency that the Town Board shall be the "lead agency" with respect to the Project, and to further indicate to the Town Board that the Agency has no information to suggest that the Town 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:

William N. Young, Jr.	VOTING	_____
James Shahda	VOTING	_____
Walter Pacholczak	VOTING	_____
Christopher Bombardier	VOTING	_____
Vera Dordick	VOTING	_____
Kevin Hicks	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned (Assistant) Secretary of Town of Guilderland 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 15, 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 ___ day of August, 2016.

(Assistant) Secretary

(SEAL)

EXHIBIT A
NEGATIVE DECLARATION

NEGATIVE DECLARATION

This Negative Declaration has been prepared in accordance with Article 8 of the NYS Environmental Conservation Law.

Description of action: The proposed Action is an application by Mill Hollow Two, LLC to amend Local Law #3 of 2006 which rezoned property to Multiple Residence for the Mill Hollow development at 5060 Western Avenue by eliminating the condition which imposed a 55 year and over age requirement. The Local Law includes the construction of a 5,950 sq. ft. senior center for Town residents. The application's request to amend the condition which required a sidewalk along Western Avenue was withdrawn without prejudice.

Lead Agency: Town of Guilderland Town Board
PO Box 339, 5209 Western Turnpike
Guilderland, NY 12084

For additional information: Jean Cataldo, Town Clerk
518-356-1980 ext. 1024

SEQR Classification: Unlisted Action

Determination of Significance: The Action will not result in any large and important impacts and will not have a significant impact on the environment.

Reasoning supporting determination:

The potential environmental concerns identified as a result of lifting the age restriction include a potential for increased traffic, the increase in school age population, and overall increase in intensity of the use.

In 2007, a total of 86 dwelling units in 13 detached buildings on 12.93 acres were approved for an overall density of 6.5 units per acre. This density is well below the maximum allowed in the Multiple Residence District which provides a maximum density of 12 dwelling units per acre which, for this 12.93 acre parcel, would allow a maximum of 155 dwelling units.

The Multiple Residence District does not require the dwelling units must be owned or rented. Local Law No. 3 of 2006 did not require ownership of the dwelling units. An existing structure (former restaurant/banquet facility known as the Bavarian Chalet) has and will continue to be renovated into a Town senior center and community room for residents of the development.