

**FINAL SEQR RESOLUTION  
INDUS HOTELS, INC. PROJECT**

A regular meeting of Allegany County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center located at 6087 State Route 19 North in the Village of Belmont, Allegany County, New York on June 13, 2024 at 10:00 o'clock a.m., local time.

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:

Judy Hopkins	Chairperson
Randy Shayler	Vice Chairman
Richard Ewell	Secretary
Douglas Frank	Treasurer
John Ricci	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Craig R. Clark, P.E., Ph.D.	Executive Director
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The following resolution was offered by John Ricci, seconded by Rich Ewell, to wit:

Resolution No. 0624-1

RESOLUTION DECLARING THE AGENCY AS LEAD AGENCY AND DETERMINING THAT ACTION TO UNDERTAKE A PROPOSED PROJECT FOR THE BENEFIT OF INDUS HOTELS, INC. WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

WHEREAS, Allegany 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 99 of the 1973 Laws of New York, as amended, constituting Section 906-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, manufacturing 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, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Indus Hotels, Inc, a corporation (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting 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 two (2) parcels of land containing in the aggregate approximately 1.1 acres located on West Dyke Street (tax map numbers: 239.13-1-13.2 and 239.13-1-16.1) in the Village and Town of Wellsville, Allegany County, New York (collectively, the “Land”), together with two (2) buildings containing in the aggregate approximately 27,400 square feet of space located thereon (collectively, the “Existing Facility”), (2) the renovation of the Existing Facility and the construction of an approximately 2,000 square foot building and an outdoor public area including a clock tower, public seating, and gazebo (collectively, the “New Facility” and collectively, with the Existing Facility, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”), all of the foregoing to be owned and operated by the Company as a mixed used facility consisting of a hotel and retail stores 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 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, 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”) by resolution adopted by the members of the Agency on April 11, 2024 (the “Resolution Declaring Lead Agency”), the Agency (A) determined (1) that the Project is subject to SEQRA, (2) that the Project is an Unlisted Action under SEQRA requiring a coordinated review of the Project will all Involved and Interested Agencies, and (3) declared its intent to act as Lead Agency for the SEQRA Review pursuant to the issuance of a Notice of Intent on April 11, 2024 with the Environmental Assessment Form Part I (the “EAF”), to all other “involved agencies” for the purpose of ascertaining whether such “involved agencies” were interested in undertaking the coordinated review of the Project and notifying them of the Agency’s intent to act as Lead Agency; and

WHEREAS, the Executive Director has reported to the Agency that all other state and local governmental agencies which constitute "involved agencies" with respect to the Project have either agreed or did not respond to the Agency acting as Lead Agency with respect to the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company prepared and submitted the Full EAF Part I with respect to the Project, a copy of which was presented to and reviewed by the Agency and a copy of which is on file at the office of the Agency; and

WHEREAS, pursuant to SEQRA, the Agency has reviewed the Full EAF Part I and the Application with respect to the Project (collectively, the “Reviewed Documents”); and

WHEREAS, pursuant to SEQRA, the Agency now desires to determine whether the Project may have a significant effect on the environment and whether an environmental impact statement ("EIS") must be prepared with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon an examination of the Reviewed Documents, and based further upon the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

A. There being no objection from any Involved or Interested Agency, the Agency hereby declares itself to be the Lead Agency.

B. The Project (the "Project") consists of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 1.1 acres located on West Dyke Street (tax map numbers: 239.13-1-13.2 and 239.13-1-16.1) in the Village and Town of Wellsville, Allegany County, New York (collectively, the "Land"), together with two (2) buildings containing in the aggregate approximately 27,400 square feet of space located thereon (collectively, the "Existing Facility"), (2) the renovation of the Existing Facility and the construction of an approximately 2,000 square foot building and an outdoor public area including a clock tower, public seating, and gazebo (collectively, the "New Facility" and collectively, with the Existing Facility, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned and operated by the Company as a mixed used facility consisting of a hotel and retail stores 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 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.

C. The only potential impacts on the environment noted in the Reviewed Documents, as amended, or otherwise known to the Agency, and the Agency's evaluation of the potential significance of same, are more fully outlined in the attached Negative Declaration of Environmental Significance (the "Negative Declaration").

D. No other potentially significant impacts on the environment are noted in the Reviewed Documents, and none are known to the Agency.

Section 2. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Agency makes the following findings and determinations with respect to the Project:

The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Agency hereby determines that the Project will not have a significant effect on the environment, and accordingly the Agency will not require the preparation of an EIS with respect to the Project.

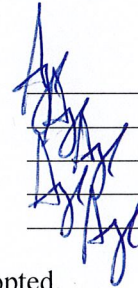
Section 3. Pursuant to the requirements of 6 NYCRR 617.12(b)(1), the Agency hereby issues the attached Negative Declaration with respect to the Project, and hereby directs said Negative Declaration to be circulated and filed as follows:

- (A) A copy of said Negative Declaration shall be filed in the main office of the Agency.
- (B) A copy of said Negative Declaration shall be mailed to the Company.
- (C) A copy of said Negative Declaration shall be mailed to the chief executive officer of the political subdivision in which the Project is located.
- (D) A copy of said Negative Declaration shall be mailed to all "involved agencies."
- (E) A copy of said Negative Declaration shall be mailed to any person requesting same.
- (F) A copy of said Negative Declaration shall be mailed to the Environmental Notice Bulletin accompanied by a request that same be published.

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:

Judy Hopkins	VOTING
Randy Shayler	VOTING
Richard Ewell	VOTING
Douglas Frank	VOTING
John Ricci	VOTING

A grid of five horizontal lines with handwritten signatures in blue ink written over them, corresponding to the names in the adjacent table.

The foregoing Resolution was thereupon declared duly adopted.

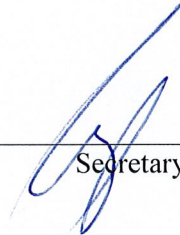
STATE OF NEW YORK        )  
  ) SS.:  
COUNTY OF ALLEGANY     )

I, the undersigned Secretary of Allegany 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 June 13, 2024 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 13 day of June, 2024.

  
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Secretary

(SEAL)

**State Environmental Quality Review Act (SEQRA)**

**NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Allegany County Industrial Development Agency (ACIDA) has determined that the proposed actions described below **will not** have a significant effect on the environment and that an Environmental Impact Statement will not be prepared.

**DATE:** June 13, 2024  
**NAME OF ACTION:** Indus Hotels, Inc. Project  
**LOCATION:** 30-38 West Dyke Street (Tax Map No. 239.13-1-13.2 & 239.13-1-16.1) Village & Town of Wellsville, Allegany County  
**SEQR STATUS:** Unlisted Action  
**LEAD AGENCY:** Allegany County Industrial Development Agency  
**CONTACT PERSON:** Dr. Craig Clark, Executive Director  
Crossroads Commerce & Conference Center  
6087 State Route 19 North  
Belmont, New York 14813  
585-268-7472

**DESCRIPTION OF ACTION:**

The project is the acquisition of an interest in an approximately 0.40 acre parcel of land located at 30-38 West Dyke Street (tax map nos.: 239.13-1-13.2 & 239.13-1-16.1) in the Village and Town of Wellsville, Allegany County, New York (the "Land") together with the restoration and upgrade of a 24,000 sq. ft. Microtel Inn & Suites, and 3,000 sq. ft. Dunkin Donuts and construction and operation of a 2,000 sq. ft. Taco Bell, construction of an outdoor public area including a clock tower, public seating, and gazebo (collectively the "Facility"), (2) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned and operated by the Company as mixed use facility consisting of retail stores, offices and apartments; (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.

## **REASONS SUPPORTING THIS DETERMINATION:**

The ACIDA has reviewed the Environmental Assessment Forms (EAF) and the criteria contained in 6 NYCRR §617.7, as well as the applications and the comments at the public hearing and in response to the Notice of Intent, and has determined that the Projects will not have a significant impact on the environment for the following reasons:

- A. As required by §617.7(a)(2), the ACIDA has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.
- B. As required by §617.7(b), the Board of Directors has:
  1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
  2. Reviewed the Full EAF for each of the projects, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
  3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
  4. Set forth herein its written Finding of No Significant Environmental Impact.
- C. The Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:
  1. Other than some short-term disturbance during construction, air quality will not be affected.
  2. The construction and operation of the Projects will not affect ground or surface water quality or quantity, or create traffic or noise levels, solid waste production, erosion potential, flooding, leaching or drainage problems. Construction will follow Stormwater Pollution Prevention Plan requirements.
  3. The site is currently disturbed and this is a rebuild and expansion.
  4. There will be no removal or destruction of large quantities of vegetation or fauna, interference with migration of fish or wildlife, significant impacts to special habitats, nor significant impacts to threatened or endangered species, or any other impacts to natural resources.
  5. There will be no impairment of Critical Environmental Areas.
  6. The project is consistent with the Village of Wellsville land use patterns. There will be no conflicts with currently adopted community plans and goals.
  7. There will be no impairment of important historical, archeological, or aesthetic resources or nor conflict with the community character.
  8. The Projects will not need a major change in use or type of energy.
  9. The Projects will not create a human health hazard.
  10. The Projects will not create a substantial change in use or intensity of use of land not currently operating or open to the public.
  11. The Projects will not encourage a population increase or have other growth-inducing impacts, and will not create a material demand for other actions resulting in above consequences.

12. The Projects will not create changes in two or more elements of the environment that combined have a substantial adverse impact on the environment, nor do the Projects embody two or more related actions undertaken, funded or approved by an agency that combined have a significant adverse effect on the environment.
- D. 617.7(c)(2) – For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed.
  - E. 617.7(c)(3) – The significance of any likely consequences were assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action.

**Based on this review, the ACIDA has determined that no significant adverse environmental impacts would result from this Action.**