



Town of Queensbury
Community Development Office
742 Bay Road, Queensbury, NY 12804

Town of Queensbury Planning Board

RESOLUTION – Grant Site Plan Approval
SITE PLAN 26-2020 ADIRONDACK WINERY
Tax Map ID: 309.17-1-14 / Property Address: 395 Big Bay Road / Zoning: CLI

The applicant has submitted an application to the Planning Board to construct a new commercial building of 11,100 sq. ft. including a 50'x30' covered pad and a 60'x30' open pad. Project site includes an existing 6,650 sq. ft. commercial building for a wine facility. Site work includes new pavement, gravel areas and sidewalks on site. Site work also includes grading and stormwater, snow storage and landscaping. Pursuant to Chapter 179-3-040 of the Zoning Ordinance, new commercial construction shall be subject to Planning Board review and approval.

Pursuant to relevant sections of the Town of Queensbury Zoning Code-Chapter 179-9-080, the Planning Board has determined that this proposal satisfies the requirements as stated in the Zoning Code;

As required by General Municipal Law Section 239-m the site plan application was referred to the Warren County Planning Department for its recommendation;

The Planning Board has reviewed the potential environmental impacts of the project, pursuant to the State Environmental Quality Review Act (SEQRA) and adopted a SEQRA Negative Declaration – Determination of Non-Significance

The Planning Board opened a public hearing on the Site plan application on 07/28/2020 and continued the public hearing to 07/28/2020, when it was closed,

The Planning Board has reviewed the application materials submitted by the applicant and all comments made at the public hearing and submitted in writing through and including 07/28/2020;

The Planning Board determines that the application complies with the review considerations and standards set forth in Article 9 of the Zoning Ordinance for Site Plan approval,

MOTION TO APPROVE SITE PLAN 26-2020 ADIRONDACK WINERY. Introduced by David Deeb who moved for its adoption.

According to the draft resolution prepared by Staff with the following:

- 1) Waivers requested granted; no waivers were requested.
- 2) The approval is valid for one (1) year from the date of approval. You are responsible for requesting an extension of approval before the one (1) year time frame has expired if you have not yet applied for a building permit or commenced significant site work.
- 3) Adherence to the items outlined in the follow-up letter sent with this resolution.
 - a) The limits of clearing will constitute a no-cut buffer zone, orange construction fencing shall be installed around these areas and field verified by Community Development staff;

- b) If applicable, the Sanitary Sewer connection plan must be submitted to the Wastewater Department for its review, approval, permitting and inspection;
- c) If curb cuts are being added or changed a driveway permit is required. A building permit will not be issued until the approved driveway permit has been provided to the Planning Office;
- d) If application was referred to engineering then Engineering sign-off required prior to signature of Zoning Administrator of the approved plans;
- e) Final approved plans should have dimensions and setbacks noted on the site plan/survey, floor plans and elevation for the existing rooms and proposed rooms in the building and site improvements;-
- f) If required, the applicant must submit a copy of the following to the Town:
 - a. The project NOI (Notice of Intent) for coverage under the current "NYSDEC SPDES General Permit from Construction Activity" prior to the start of any site work.
 - b. The project NOT (Notice of Termination) upon completion of the project;
 - c. The applicant must maintain on their project site, for review by staff:
 - i. The approved final plans that have been stamped by the Town Zoning Administrator. These plans must include the project SWPPP (Storm Water Pollution Prevention Plan) when such a plan was prepared and approved;
 - ii. The project NOI and proof of coverage under the current NYSDEC SPDES General Permit, or an individual SPDES permit issued for the project if required.
- g) Final approved plans, in compliance with the Site Plan, must be submitted to the Community Development Department before any further review by the Zoning Administrator or Building and Codes personnel;
- h) The applicant must meet with Staff after approval and prior to issuance of Building Permit and/or the beginning of any site work;
- i) Subsequent issuance of further permits, including building permits is dependent on compliance with this and all other conditions of this resolution;
- j) As-built plans to certify that the site plan is developed according to the approved plans to be provided prior to issuance of the certificate of occupancy.
- k) This resolution is to be placed in its entirety on the final plans
- l) Construction to be done when the ground is not frozen (per stormwater pollution prevention plan).

Motion seconded by Michael Dixon. Duly adopted this 28th day of July, 2020 by the following vote:

AYES: Mr. Magowan, Mr. Dixon, Mr. Deeb, Ms. White, Mr. Shafer, Mr. Hunsinger, Mr. Traver

NOES: NONE

ABSENT: Mr. Valentine



Town of Queensbury
Community Development Office
742 Bay Road, Queensbury, NY 12804

Town of Queensbury Planning Board

SEQR RESOLUTION – Grant Negative Declaration

SITE PLAN 26-2020 ADIRONDACK WINERY

Tax Map ID: 309.17-1-14 / Property Address: 395 Big Bay Road / Zoning: CLI

The applicant proposes to construct a new commercial building of 11,100 sq. ft. including a 50'x30' covered pad and a 60'x30' open pad. Project site includes an existing 6,650 sq. ft. commercial building for a wine facility. Site work includes new pavement, gravel areas and sidewalks on site. Site work also includes grading and stormwater, snow storage and landscaping. Pursuant to Chapter 179-3-040 of the Zoning Ordinance, new commercial construction shall be subject to Planning Board review and approval.

The Planning Board has determined that the proposed project and Planning Board action is subject to review under the State Environmental Quality Review Act;

The proposed action considered by this Board is Unlisted in the Department of Environmental Conservation Regulations implementing the State Environmental Quality Review Act and the regulations of the Town of Queensbury;

No Federal or other agencies are involved;

Part 1 of the Short EAF has been completed by the applicant;

Upon review of the information recorded on this EAF, it is the conclusion of the Town of Queensbury Planning Board as lead agency that this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

MOTION TO GRANT A NEGATIVE DECLARATION FOR SITE PLAN 26-2020 ADIRONDACK WINERY. Introduced by David Deeb who moved for its adoption.

As per the resolution prepared by staff.

1. Part II of the short EAF has been reviewed and completed by the Planning Board.
2. Part III of the short EAF is not necessary because the Planning Board did not identify potentially moderate to large impacts.

Motion seconded by Brad Magowan. Duly adopted this 28th day of July, 2020 by the following vote:

AYES: Mr. Deeb, Ms. White, Mr. Shafer, Mr. Hunsinger, Mr. Magowan, Mr. Dixon, Mr. Traver

NOES: NONE

ABSENT: Mr. Valentine

Resolution No. 20-____
Adopted November 16, 2020

Introduced by _____
who moved its adoption.

Seconded by _____

**RESOLUTION ACCEPTING AN APPLICATION FOR FINANCIAL ASSISTANCE
SUBMITTED BY 395 BIG BAY ROAD LLC (THE "COMPANY") RELATING TO A
CERTAIN PROJECT; AUTHORIZING A PUBLIC HEARING WITH RESPECT TO
THE PROJECT; AND DESCRIBING THE FINANCIAL ASSISTANCE BEING
CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT**

WHEREAS, 395 Big Bay Road LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of 395 Big Bay Road, Queensbury, New York 12804 (the "Company") has requested that the Agency provide financial assistance in the form of a payment in lieu of taxes, a mortgage recording tax exemption and sales tax abatements regarding a project (the "Project") to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 395 Big Bay Road in the Town of Queensbury, County of Warren, New York (the "Land"); (ii) the planning, design, construction, operation and maintenance by the Company of an approximately 11,100+/- square foot additional facility, including a 50' x 30' covered pad and a 60' x 30' open pad, which will be used by the Company for the manufacture of wine (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction"), all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the "Act"), as amended; and

WHEREAS, Chapters 356 and 357 of the Laws of 1993 require that prior to granting financial assistance of more than \$100,000.00 to any project, an Agency must (i) adopt a resolution describing the project and the financial assistance contemplated by the Agency with respect thereto, and (ii) hold a public hearing in the city, town or village where the project proposes to locate upon at least ten (10) days published notice and, at the same time, provide notice of such hearing to the Chief Executive Officer of each affected taxing jurisdiction within which the project is located; and

WHEREAS, the Agency is in the process of reviewing and considering the Company's Application requesting the Agency to provide financial assistance for the proposed Project (collectively the "Financial Assistance") in the form of (i) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in and incorporated into

the Facility or used in the acquisition, construction or equipping of the Facility, (ii) an exemption from mortgage recording tax and (iii) a partial real property tax abatement through a payment in lieu of tax agreement (the "PILOT Agreement"), pursuant to which the Company would make payments in lieu of real property taxes to each affected tax jurisdiction (the "Affected Tax Jurisdictions"), all of which shall be consistent with the uniform tax exemption policy of the Agency; and

WHEREAS, the Agency desires to (i) accept the Application; (ii) authorize the scheduling and conduct of a public hearing; and (iii) negotiate, but not enter into an Agent Agreement and Project Agreement, pursuant to which the Agency will designate the Company as its agent for the purpose of acquiring, constructing and equipping the Project, and Lease Agreement, a Leaseback Agreement and related Payment in lieu of Tax Agreement with the Company.

NOW, THEREFORE, BE IT RESOLVED:

1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

- (a) Pursuant to the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and
- (b) The Agency has the authority to take the actions contemplated herein under the Act; and
- (c) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Warren and Washington Counties, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and
- (d) The Project will not result in the removal of a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company.

2. The proposed financial assistance being contemplated by the Agency includes (i) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Project or used in the acquisition, construction or equipping of the Project in the estimated amount of \$46,900.00, (ii) an exemption from mortgage recording tax for qualifying mortgages in the estimated amount of \$10,175.00 and (ii) a partial real property tax abatement through a PILOT Agreement pursuant to the following terms: an 100% exemption of real property taxes on the value of the improvements for years 1 through 5 and a 50% exemption of real property taxes on the value of the improvements for years 6 through 10 and an

estimated value of \$232,517.00, pursuant to which the Company would make payments in lieu of real property taxes to the Affected Tax Jurisdictions.

3. The Chairman, Vice Chairman and/or the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to cause the issuance of public hearing notices, hold a public hearing in compliance with the Act and negotiate (but not execute or deliver) the terms of (A) the Agent Agreement and Project Agreement, whereby the Agency appoints the Company as its agent to undertake the Project, (B) a Lease Agreement whereby the Company leases the Project to the Agency, (C) a related Leaseback Agreement conveying the Project back to the Company, (D) a PILOT Agreement, whereby the Company agrees to make certain payments-in-lieu-of real property taxes and (E) related documents; provided (i) the rental payments under the Agent Agreement and Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project.

4. The Agency hereby schedules a public hearing pursuant to Article 18-A of the New York State General Municipal Law to be held by the Agency on December 3, 2020, at 10:00 am local time, in accordance with Governor Cuomo's Executive Order 202.1, as extended, via ZOOM as follows:

<https://us02web.zoom.us/j/83861173908?pwd=OG9KWFlmaUVsQ2N2MXZackRXVDRMdz09>
<<https://us02web.zoom.us/j/83861173908?pwd=OG9KWFlmaUVsQ2N2MXZackRXVDRMdz09>>

Meeting ID: 838 6117 3908

Passcode: 169173

One tap mobile

+16465588656,,83861173908#,,,,,,0#,,169173# US (New York)

Dial by your location

+1 646 558 8656 US (New York)

Meeting ID: 838 6117 3908

Passcode: 169173

Find your local number: <https://us02web.zoom.us/j/83861173908?pwd=OG9KWFlmaUVsQ2N2MXZackRXVDRMdz09>
<<https://us02web.zoom.us/j/83861173908?pwd=OG9KWFlmaUVsQ2N2MXZackRXVDRMdz09>>

5. The Agency hereby authorizes the publication of a Notice of Public Hearing for the Project and in accordance with the Act and the Agency's policies and procedures.

6. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS:
COUNTY OF WARREN)

This is to certify that I, Alie White, Records Management Officer for the Counties of Warren and Washington Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Counties of Warren and Washington Industrial Development Agency, Glens Falls, New York on the 16th day of November, 2020.

In witness whereof, I have hereto set my hand and affixed the official seal of the Counties of Warren and Washington Industrial Development Agency on this ____ day of _____, 2020.

[SEAL]

Alie White
Counties of Warren and Washington
Industrial Development Agency

Warren & Washington Industrial Development Agency

Proposed 2021 budget

| INCOME | ACTUAL YTD Jan - Oct 20 2020 | BUDGET 2020 | PROPOSED BUDGET 2021 |
|--|---------------------------------|----------------------|-------------------------|
| Nonoperating Revenue: | | | |
| Investment Earnings | 2864.39 | | 5,000.00 |
| Interest Income | \$ 40.28 | \$ 12,000.00 | |
| Total Investment Earnings | \$ 2,904.67 | \$ 12,000.00 | \$ 5,000.00 |
| Other Nonoperating Revenue: | | | |
| Funds from Phase II Logging Sales | | \$ - | \$ - |
| Funds from WWCDC per Grant Agreement | | \$ - | \$ - |
| Miscellaneous Income - Nonoperating | \$ - | \$ - | \$ - |
| Lot Sales | | | |
| Legal Reimbursement 3.4 - Lot Sales | \$ - | | \$ 1,000.00 |
| Sale of Land | | \$42,500.00 | \$51,000.00 |
| Total Lot Sales | \$ - | \$ 42,500.00 | \$ 52,000.00 |
| Total Nonoperating Revenue: | \$ 2,904.67 | \$ 54,500.00 | \$ 57,000.00 |
| Operating Revenue: | | | |
| Charges for Services | | | |
| Application Fees | | \$ 1,000.00 | \$ 4,500.00 |
| Project Fees - Existing | | - | - |
| Project Fees - New | | \$ 32,806.56 | \$ 125,000.00 |
| Total Charges for Services | \$ - | \$ 33,806.56 | \$ 129,500.00 |
| Project - Legal Reimbursement 3.4 | \$ 687.50 | \$ 25,000.00 | \$ 25,000.00 |
| Miscellaneous Other Oper Revenue | \$ - | \$ 12,000.00 | |
| Total Operating Revenue | \$ 687.50 | \$ 70,806.56 | \$ 154,500.00 |
| TOTAL INCOME: | \$ 3,592.17 | \$ 125,306.56 | \$ 211,500.00 |

EXPENSES

Nonoperating Expenses

Airport Industrial Park:

Miscellaneous \$ 180.00

| | | | |
|---|---------------------|---------------------|---------------------|
| Real Property/Sewer/Water Taxes - Lots | \$ 12,410.75 | \$ 13,496.54 | \$ 13,766.00 |
| 107 Airport Industrial Park - Other | \$ 1,605.00 | \$ 1,080.00 | \$ 1,200.00 |
| Total Airport Industrial Park Expenses | \$ 14,195.75 | \$ 14,576.54 | \$ 14,966.00 |
| Total Nonoperating Expenses: | \$ 14,195.75 | \$ 14,576.54 | \$ 14,966.00 |

Operating Expenses:

Other Operating Expenses

| | | | |
|----------------------------------|--------------------|--------------------|--------------------|
| Miscellaneous | \$ 65.60 | \$ 65.60 | |
| Land & Subdivision Costs | \$ 795.10 | \$ | \$ |
| Insurance | | | |
| Disability Insurance | \$ 159.49 | \$ 167.16 | \$ 170.00 |
| Liability Insurance | \$ 2,480.29 | \$ 1,243.00 | \$ 2,530.00 |
| Public Officials Liability | \$ 1,669.29 | | \$ 1,700.00 |
| Employee Dishonesty Bond (3 yrs) | \$ - | \$ 341.00 | |
| Workers' Compensation Insurance | \$ 287.26 | \$ 600.00 | \$ 300.00 |
| Total: | \$ 4,596.33 | \$ 2,351.16 | \$ 4,700.00 |

| | |
|---------------------------------------|-----------|
| Lot Sales - Legal Expenses Reimb. 3.4 | \$ 687.50 |
|---------------------------------------|-----------|

Contractual Services

| | | | |
|---|---------------------|---------------------|---------------------|
| Advertising | \$ - | | |
| AIP - Misc Contractual Services (plowing) | \$ 3,000.00 | \$ 1,500.00 | \$ 3,000.00 |
| Commissions on Lot Sales | \$ - | | \$ 3,060.00 |
| Computer & Website Related | \$ (131.50) | \$ 1,015.00 | \$ 350.00 |
| Dues | | \$ 1,042.00 | \$ 1,042.00 |
| Forestry Services | | \$ - | \$ - |
| Rent | \$ 6,600.00 | \$ 7,200.00 | \$ 7,200.00 |
| Subscriptions | \$ 100.00 | \$ 96.20 | \$ 100.00 |
| Telephone and Internet (Spectrum) | \$ 1,699.80 | \$ 2,046.00 | \$ 2,086.00 |
| Total Contractual Services | \$ 11,268.30 | \$ 12,899.20 | \$ 16,838.00 |

| | | | |
|--|---------------------|---------------------|---------------------|
| Total Other Operating Expenses: | \$ 17,527.23 | \$ 15,315.96 | \$ 36,504.00 |
|--|---------------------|---------------------|---------------------|

Professional Service Contracts:

| | | | |
|-----------------------------------|---------------------|---------------------|---------------------|
| Accounting | \$ 12,950.00 | \$ 15,000.00 | \$ 15,000.00 |
| Engineering - Phase II & Wetlands | \$ - | \$ 3,000.00 | \$ 1,500.00 |
| Engineering - Phase I & General | \$ 3,931.07 | \$ 315.76 | \$ 1,500.00 |
| Legal | | | |
| Dev. Projects Reimb. 3.4 | \$ 28,637.70 | \$ 10,396.68 | \$ 50,000.00 |
| General | | \$ 25,000.00 | |
| Total Legal: | \$ 28,637.70 | \$ 35,396.68 | \$ 50,000.00 |

Professional Service Contracts - Other

| | | | |
|---|---------------------|---------------------|---------------------|
| Total Professional Service Contracts | \$ 45,518.77 | \$ 53,712.44 | \$ 68,000.00 |
|---|---------------------|---------------------|---------------------|

| | | | |
|--------------------------------|---------------------|---------------------|---------------------|
| Staff Payroll for WWIDA | \$ 18,289.75 | \$ 20,854.01 | \$ 26,000.00 |
|--------------------------------|---------------------|---------------------|---------------------|

Supplies & Materials:

File Storage

Misc Office Expenses

Office Supplies

Postage

6460.5 Supplies and Materials Other

| | | | | | |
|----|--------|----|----------|----|----------|
| | | \$ | 416.31 | \$ | 500.00 |
| \$ | 879.30 | \$ | 1,000.00 | \$ | 1,000.00 |
| \$ | 224.95 | \$ | 530.25 | \$ | 540.00 |
| | | \$ | 1,516.85 | \$ | 1,200.00 |

Total Supplies and Materials

| | | | | | |
|----|----------|----|----------|----|----------|
| \$ | 1,104.25 | \$ | 3,463.41 | \$ | 3,240.00 |
|----|----------|----|----------|----|----------|

Employee Benefits

Medicare - Company Expense

FICA - Company Expense

Unemployment Insurance

Employee Benefits Other

| | | | | | |
|----|----------|----|----------|----|----------|
| \$ | 480.61 | \$ | 600.00 | \$ | 600.00 |
| \$ | 2,054.61 | \$ | 2,500.00 | \$ | 2,500.00 |
| \$ | 212.14 | \$ | 320.00 | \$ | 320.00 |
| \$ | 3,458.77 | | | \$ | 5,500.00 |

Total Employee Benefits

| | | | | | |
|----|----------|----|----------|----|----------|
| \$ | 6,206.13 | \$ | 3,420.00 | \$ | 8,920.00 |
|----|----------|----|----------|----|----------|

Operating Expenses - Other

Contingency Expenses

| | |
|----|--------|
| \$ | 164.85 |
| \$ | - |

Total Operating Expenses

| | | | | | |
|----|-----------|----|-----------|----|------------|
| \$ | 88,810.98 | \$ | 96,765.82 | \$ | 142,664.00 |
|----|-----------|----|-----------|----|------------|

66900 Reconciliation Discrepancies

| | | | | | |
|----|--------|----|--------|----|--------|
| \$ | 723.28 | \$ | 246.48 | \$ | 500.00 |
|----|--------|----|--------|----|--------|

TOTAL EXPENSES:

| | | | | | |
|----|------------|----|------------|----|------------|
| \$ | 103,006.73 | \$ | 111,588.84 | \$ | 158,130.00 |
|----|------------|----|------------|----|------------|

NET INCOME:

| | | | | | |
|----|-------------|----|-----------|----|-----------|
| \$ | (99,414.56) | \$ | 13,717.72 | \$ | 53,370.00 |
|----|-------------|----|-----------|----|-----------|