

COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
NOTICE OF PUBLIC HEARING  
ON PROPOSED PROJECT  
AND FINANCIAL ASSISTANCE  
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the “Act”) will be held by Columbia County Industrial Development Agency (the “Agency”) on the 4<sup>th</sup> day of September, 2024 at 8:30 o’clock a.m., local time, at the offices of the Agency located at One Hudson City Centre – Suite 301 in the City of Hudson, Columbia County, New York in connection with the following matters:

On May 10, 2017 (the “Closing”), the Agency granted certain financial assistance to 41 Cross Street Hospitality LLC (the “Original Company”) to assist in financing a project (the “Project”) consisting of the following: (A) (1) the acquisition of an interest in an approximately .50 acre parcel of land located at 39-41 & 43-51 Cross Street (tax map no. 109.43-1-62) in the City of Hudson, Columbia County, New York (the “Land”), together with the existing building located thereon containing approximately 40,800 square feet of space (the “Existing Facility”), (2) the renovation, reconstruction and upgrading of the Existing Facility and related improvements located on the Land (the “Improvements”) (the Existing Facility and the Improvements hereinafter collectively referred to as the “Facility”), and (3) the acquisition and installation therein and thereon of certain machinery and equipment (collectively, the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to be owned by the Company and operated as a boutique hotel facility and any other directly and indirectly related uses; (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 of the Project Facility to the Original Company pursuant to the terms of a lease agreement dated as of May 1, 2017 (the “Lease Agreement”) by and between the Original Company and the Agency, a memorandum of which was recorded on May 19, 2017 in the Columbia County Clerk’s office in Book 846 at Page 1493, Instrument #: 20170004541; and

Simultaneously with the execution and delivery of the Lease Agreement (the “Closing”), (A) the Original Company executed and delivered to the Agency (1) a certain lease to agency dated as of May 1, 2017 (the “Lease to Agency”) by and between the Original Company, as landlord, and the Agency, as tenant, a memorandum of which was recorded on May 19, 2017 in the Columbia County Clerk’s office in Book 846 at Page 1440, Instrument #: 20170004538, pursuant to which the Original Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the “Leased Premises”); (2) a certain license agreement dated as of May 1, 2017 (the “License to Agency”) by and between the Original Company, as licensor, and the Agency, which License Agreement was recorded on May 19, 2017 in the Columbia County Clerk’s office in Book 846 at Page 1480, Instrument #: 20170004540, as licensee, pursuant to which the Original Company granted to the Agency (a) a license was entered into upon the balance of the Land (the “Licensed Premises”) for the purpose of undertaking and completing the Project and (b) in the event of an occurrence of an Event of Default by the Original Company, an additional license was entered into upon the Licensed Premises for the purpose of pursuing its remedies under the Lease Agreement; and (3) a certain bill of sale dated as of May 1, 2017 (the “Bill of Sale to Agency”), which conveyed to the Agency all right, title and interest of the Original Company in the Equipment; (B) the Original Company and the Agency executed and delivered (1) a certain payment in lieu of tax agreement dated as of May 1, 2017 (the “Payment in Lieu of Tax Agreement”) by and between the Agency and the Original Company, pursuant to which the Original Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (2) a certain recapture agreement (the “Section

875 GML Recapture Agreement”) by and between the Original Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes and (3) a certain uniform agency project agreement dated as of May 1, 2017 (the “Uniform Agency Project Agreement”) relating to the granting of the Financial Assistance by the Agency to the Original Company, (D) the Agency filed with the assessor and mailed to the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility and the Payment in Lieu of Tax Agreement, (E) the Agency executed and delivered to the Original Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) which ensured the granting of the sales tax exemption which formed a part of the Financial Assistance and (F) the Agency filed with the New York State Department of Taxation and Finance the form entitled “IDA Appointment of Project Operator or Agent for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) (collectively with the Lease Agreement, the “Basic Documents”).

In connection with an application submitted to the Agency (the “Assignment Application”), on or about July 25, 2024, by 41 Cross Street LLC, a limited liability company organized and existing under the laws of the State of New York (the “New Company”), the Agency has been requested (A) to approve the assignment to, and assumption by the New Company of all of the Original Company’s interest in the Project Facility and the Basic Documents, (B) to authorize the assumption by the New Company of all obligations of the Original Company under the Basic Documents pursuant to an assignment and assumption agreement (the “Assignment and Assumption Agreement”) (the foregoing being collectively referred to as the “Assignment and Assumption”) and (C) to provide the New Company with sales tax exemption (the “Additional Financial Assistance”).

Pursuant 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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on August 6, 2024 (the “Resolution Authorizing Assignment and Assumption and Public Hearing”), the Agency determined that the Assignment and Assumption constituted a “Type II action” (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Assignment and Assumption was required under SEQRA.

The Agency will at said time and place hear all persons with views on either the location and nature of the proposed Assignment and Assumption or the Additional Financial Assistance being contemplated by the Agency in connection with the proposed Assignment and Assumption. A copy of the Assignment Application filed by the New Company with the Agency with respect to the Assignment and Assumption, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency or <https://columbiaedc.com/about-cedc/columbia-county-ida/>. A transcript or summary report of the hearing will be made available to the members of the Agency. Individuals may participate virtually by Zoom at:

<https://us06web.zoom.us/j/86946528594?pwd=CPUDPszltJlWAnaJpJXwuaIz3bbOtm.1>

Meeting ID: 869 4652 8594

Passcode: 012637

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Additional information can be obtained from, and written comments may be addressed to: Carmine Pierro, Chairman, Columbia County Industrial Development Agency, One Hudson City Centre – Suite 301, Hudson, New York 12534; Telephone: (518) 828-4718.

Dated: August 15, 2024

COLUMBIA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

BY: /s/Carmine Pierro  
Chairman