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SEQRA ADDENDUM

This SEQRA Addendum is hereby made part of the Short EAF, Part 1 for the Noah Nierenberg/Perpetual Space, LLC Application known as "The Leeway Hotel Temporary Events Project", same in consideration of the environmental criteria associated with coordinated review of an Unlisted Action [6 NYCRR Part 617.4].

I. PROJECT DESCRIPTION: In consideration of the environmental review of the proposed Action, the Applicant is requesting that all SEQRA Coordinated Review procedures be followed by the Town of Shandaken Planning Board, as Lead Agency, during the pendency of SEQRA review [6NYCRR Part 617.6(b)(3)(i)].

The Application proposes an accessory use ninety (90) person and five (5) staff temporary event project associated with the Leeway Hotel, together with an event tent, ancillary, on premises food prep tent, parking areas and associated appurtenances by way of Application for Site Plan/Special Use Permit Application under the Town of Shandaken Zoning Law. [See Maps provided by Allan M. Dumas, PE].

The project is required to undergo several reviews by involved and interested agencies in order to ultimately obtain

Site Plan and Special Use Permit Approvals from the Town of Shandaken Planning Board, as well as various administrative Permits/Approvals from other Involved Agencies, as addressed within this Addendum.

The Application has been supplemented by the Applicant with a Project Narrative, detailed Plans and the SEQRA Short EAF Part 1 has been included as an Exhibit therein for consideration by the Planning Board for administrative review purposes.

The Applicant is currently preparing an Emergency Action Plan which will address weather tracking event cancellation, tent removal and emergency evacuation in the event of flash floods and/or other Floodway related emergencies.

It is expected that the Planning Board will undertake Lead Agency responsibilities for this Action pursuant to SEQRA and in consideration of the Town of Shandaken Zoning Law, as well as the Town of Shandaken Flood Damage Prevention Law [Local Law #1 of 2016]. It is the desire of the Applicant to analyze the potential environmental impacts posed by the project in order to ultimately obtain a Negative Declaration of Environmental Significance from the Lead Agency.

With further respect to Lead Agency, the Applicant is prepared to provide the Planning Board with a Draft Notice of Intent to Serve as Lead Agency for circulation to all involved/interested agencies as part of a coordinated SEQRA review following the Planning Board's review of Part 1 of the

Short EAF to which this Addendum is referenced. [A copy of said draft Notice is being provided for Planning Board consideration and in the event the same is acceptable.]

It is noted that, pursuant to 6NYCRR Part 617.5(c)(21), this Action could be classified as Type II; thereby being precluded from SEQRA review. ["Minor or temporary uses of land having negligible or no permanent impact on the environment"]. However, the Applicant will be satisfied with an Unlisted Action designation in the event that the Planning Board so determines.

II. ZONING AND LAND USE REGULATIONS: The project site is currently zoned R 1.5 and FFO, wherein the continuing hotel, lodging and related accessory uses are permitted under the Town of Shandaken Zoning Law pursuant to Site Plan and Special Use Permit Reviews. The project is further partially located within the FEMA Flood Zone and the Town of Shandaken Floodway (FW) Zoning District.

As a portion of the currently developed site is located within the Floodway (FW) District, this area is regulated as a non-conforming use under current zoning. However, accessory use projects for commercial uses within the FW District are permitted pursuant to Section 116-58 of the Town of Shandaken Zoning Law and in accordance with Local Law #1 of 2016.

Owing to the temporary and intermittent use of a portion of the Leeway Hotel premises for events, the existing degree of nonconformity is not being permanently increased. Accordingly,

an area variance is not being sought from the Town of Shandaken Zoning Board of Appeals.

Coordinated SEQRA review and permit requirements will also necessitate review by other administrative authorities for land use approvals. A listing of the agencies ascertained by the Applicant for SEQRA review and the applicable statutory authority governing said review and relevant permitting is as follows:

I. Involved Agencies [Note: Discretionary Permits and reviews]

1. Town of Shandaken Planning Board
 - a.) Site Plan Approval
 - b.) Special Use Permit Approval
 - c.) SEQRA [6 NYCRR Part 617 et. seq.]
- A.) Statutory Authority
 - i.) Sections 274-a and 274-b of the New York State Town Law
 - ii.) Chapter 116 of the Town of Shandaken Code [Zoning Law]
 - iii.) 6 NYCRR Part 617 et. seq. [SEQRA]
2. New York City Department of Environmental Protection
 - a.) Existing Septic Repurposing [Note, in conjunction with the NYSDEC, to the extent deemed applicable]
- A.) Statutory Authority
 - i.) Articles 17, Titles 7 and 8 and Article 70 of the New York State Environmental Conservation Law
 - ii.) NYSDEC Wastewater Treatment Commercial Design Standards Permits for Subsurface Discharge
3. Ulster County Department of Health
 - a.) Existing Septic Repurposing

- b.) Existing Non-Community Public Water Supply
 - i.) Article II of the Public Health Law of New York State
 - ii.) 10 NYCRR Subpart 5-1 [Public Water Systems]
 - iii.) 10 NYCRR Subpart 14-7-1 [Temporary Residence]
 - iv.) 10 NYCRR Subpart 14-1 [Food Service Establishment]

[See also, Article II, Ulster County Sanitary Code].

With further respect to numbers 2 and 3 above, a Temporary Residence Permit and Public Water Supply Permit and Food Service Permits already exist for the Leeway Hotel and these permits will not be changed. [See 10 NYCRR Parts 5.1, 14.1 and 7.3].

4. Town of Shandaken Flood Administrator

- a.) Flood Plain Development Permit.

A.) Statutory Authority

- i.) Town of Shandaken Zoning Law
- ii.) Local Law #1 of 2016

5. New York State Department of Environmental Conservation [Coordination with NYCDEP for Septic Permit purposes: See above].

II. Interested Agencies [Note: Permits/Approvals listed within the Interested Agencies Listing are Ministerial and classified as Type II under SEQRA; thereby conferring no exercise of discretion on the Agency listed]

1. Town of Shandaken Building Inspector

- a.) Building Permit
- b.) Certificate of Occupancy

A.) Statutory Authority

- i.) Town of Shandaken Code
- ii.) Town of Shandaken Zoning Law
- iii.) Uniform Fire Prevention and Building Control Act [Sections 377-383 of the New York State Executive Law]

2. Town of Shandaken Zoning Board of Appeals

3. Ulster County Planning Board
 - a.) Referral and Recommendation
 - A.) Statutory Authority
 - i.) Section 239-m of the General Municipal Law of New York State
4. New York State Office of Parks, Recreation and Historic Preservation
5. United States Department of the Interior Fish and Wildlife Service
6. United States Department of the Army Corps of Engineers
7. Town of Shandaken Police Department
8. Onteora Hose Company 3 Mount Tremper District
9. Town of Shandaken Ambulance Service
10. New York State Department of Transportation
11. Town of Shandaken Town Board
12. Perpetual Space, LLC
13. Noah Nierenberg
14. Other Agencies which the Town of Shandaken Planning Board may deem interested for circulation during the pendency of the Application under coordinated review.

III.) PROJECT CONSULTANTS:

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- 4.) Ecological Solutions, LLC - Endangered/Threatened
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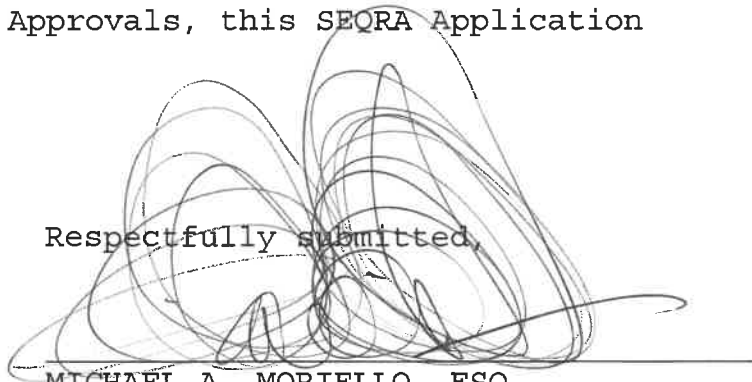
IV.) CONCLUSION:

The Applicant will work with the Planning Board, the public and all involved/interested agencies so that the Leeway Hotel Temporary Event Project will undergo a detailed environmental review, culminating in what is hoped will be a Negative Declaration of Environmental Significance under SEQRA, pursuant to the criteria set forth within 6 NYCRR Part 617.7.

WHEREFORE, in consideration of the Application for Site Plan and Special Use Permit Approvals, this SEQRA Application Addendum is,

Dated: December 3, 2024

Respectfully submitted,

A large, dense, and somewhat chaotic handwritten signature in black ink, appearing to be 'Michael A. Moriello', is written over the signature line and extends upwards into the text area.

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