

**Town of Shandaken Planning Board
P.O. Box 134
Shandaken, NY 12480**

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY

1. Town of Shandaken Planning Board
Post Office Box 134
Shandaken, New York 12480
2. New York City Department of Environmental Protection
59-17 Junction Blvd
Flushing, New York 11368
3. Ulster County Health Department
239 Golden Hill Lane
Kingston, New York 12401
4. Town of Shandaken Highway Department
7209 NY-Route 28
Shandaken, New York 12480
5. Town of Shandaken Flood Administrator
Post Office Box 134
Shandaken, New York 12480
6. New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561
7. Town of Shandaken Building Inspector
Post Office Box 134
Shandaken, New York 12480
8. Town of Shandaken Zoning Board of Appeals
Post Office Box 134
Shandaken, New York 12480
9. Ulster County Planning Board
Post Office Box 1800
Kingston, New York 12477
10. Town of Shandaken Town Board
Post Office Box 134
Shandaken, New York 12480
11. New York State Office of Parks, Recreation and
Historic Preservation
625 Broadway

- Albany, New York 12207
12. United States Department of the Interior Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045
 13. United States Department of the Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000
 14. Town of Shandaken Police Department
64 NY-42
Shandaken, New York 12480
 15. Pine Hill Fire District
48 N-214
Phoenicia, New York 12464
 16. Town of Shandaken Ambulance Service
60 NY-42, Shandaken
New York 12480
 17. Restore NY Empire State Development
625 Broadway
Albany, New York 12233
 18. RUPCO, Inc.
301 Fair Street
Kingston, New York 12401
 19. Wellington Blueberry, LLC
PO Box 617
Pine Hill
Shandaken, New York 12480
 20. NY Forward
New York State Department of State
One Commerce Plaza
99 Washington Avenue
Albany, New York 12223
 21. Historic Tax Credit Equity
Foss & Company
832 Sansome Street, 2nd Floor
San Francisco, CA 94111

22. Ulster County Housing Action Fund
Ulster County Planning Department
244 Fair Street
Kingston, New York 12401

23. Homes and Community Renewal (HCR) Subsidies (Small Building
Participation Loan Program; Clean Energy Initiative;
Community Investment Fund)
New York State Homes and Community Renewal
Hampton Plaza
38-40 State Street
Albany, NY 12207

RE: In The Matter of The Application of Wellington Blueberry, LLC in Conjunction With RUPCO, Inc. for Site Plan, Special Use Permit, Use Variance and Area Variances Approvals for Adaptive Re-Use of the Wellington Hotel Premises

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY

Sir/Madam:

Pursuant to 6 NYCRR Part 617.6 (b)(3)(i) of the New York State Environmental Quality Review Act [SEQRA] Regulations, the Town of Shandaken Planning Board is circulating herewith the annexed Application documents, together with Part 1 of the SEQRA Long Environmental Assessment Form, and related exhibits, for the above referenced project situate within the HC and FFO Zoning Districts on 0.921+/- acres of lands owned by Wellington Blueberry, LLC, as located at 310 Main Street, in the Town of Shandaken, Ulster County, New York [S/B/L Number 4.46-1-32.110].

The project is an adaptive re-use of the existing and historically designated Wellington Hotel which will consist of ten (10) multi-family affordable housing units and a retail/café use together with related appurtenances.

The project is classified as a Type I Action pursuant to 6 NYCRR Part 617.4(b)(9). In this regard, there are several involved agencies for discretionary permit related approvals, including the Town of Shandaken Zoning Board of Appeals, Town of Shandaken Town Board, Town of Shandaken Highway Department, the New York State Department of Environmental Conservation, the New York City Department of Environmental Protection, the Town of Shandaken Flood Plain Administrator, and the Town of Shandaken Planning Board. Therefore, in accordance with 6 NYCRR Part 617.6(b)(3)(i), a coordinated review is being undertaken.

The Town of Shandaken Planning Board wishes to establish itself as Lead Agency for the environmental review of this Application. Pursuant to 6 NYCRR Part 617.6(b)(3)(i) a Lead Agency is to be determined within thirty (30) calendar days of the date that the annexed materials were transmitted. Please state your agency's interest regarding selection of Lead Agency and any potential environmental effects of the proposed action.

The Planning Board wishes to expedite the designation of Lead Agency. If you agree to the Planning Board being designated as Lead Agency, please sign the enclosed copy of this letter and return it to the Planning Board at the above address as soon as possible. If your agency does not submit a written objection to the Planning Board within 30 days of the mailing

date of this notification, the Planning Board will act in its capacity as Lead Agency for this project review.

Should you have any questions with regard to the review process related to this Application, please contact the Town of Shandaken Planning Board at (845) 688-5004.

Dated: December ____, 2024

Sincerely,

Cliff Rabuffo, Chairman
Town of Shandaken Planning Board
Town Hall
P.O. Box 134
7209 Route 28
Shandaken, NY 12480

Enclosures

**LAW OFFICE OF
MICHAEL A. MORIELLO, P.C.**

Michael A. Moriello, Esq.

111 Green Street
Post Office Box 4465
Kingston, New York 12402
E-Mail: mike@moriellolaw.com

Tel: (845) 338-6603
Fax: (845) 340-1614

SEQRA ADDENDUM

This Addendum is hereby made part of the Long EAF, Part 1 for the Type I Action known as the "Wellington Restoration" Adaptive Re-use Project by Wellington Blueberry, LLC, in conjunction with RUPCO, Inc., same in consideration of the environmental criteria associated with coordinated review under SEQRA [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 for a Type I Action be followed by the Town of Shandaken Planning Board [hereinafter "Planning Board"], as Lead Agency, during the pendency of SEQRA review [6 NYCRR Part 617.6(b)(3)(i)].

The Application proposes the redevelopment and adaptive re-use of the existing and historically designated Wellington Hotel premises for ten (10) apartment units of affordable housing, together with a retail/café use by way of an Application for Use Variance and an Area Variance Application before the Town of Shandaken Zoning Board of Appeals [hereinafter "ZBA"] and for Site Plan/Special Use Permit Application before the Planning Board under the Town of Shandaken Zoning Law. [See Maps annexed].

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 Planning Board, together with Use Variance and Area Variance Approvals by the ZBA, 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 detailed Plans and the SEQRA Long EAF Part 1 has been included with the Application documents for consideration by the Planning Board in conjunction with environmental review purposes.

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] and the Pine Hill Sewers Law [Local Law #1 of 2012]. It is the desire of the Applicant to comprehensively 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 has prepared a draft Notice of Intent to Serve as Lead Agency for Planning Board circulation to all involved/interested agencies, as part of a coordinated SEQRA review following the Planning Board's review of Part 1 of the Long EAF to which this Addendum is referenced. [A copy of said Notice is hereby provided for

Planning Board consideration, following legal review and any changes by Ben Gailey, Esq.] .

II. ZONING AND LAND USE REGULATIONS: The project site is currently zoned HC and FFO, wherein multi-family and commercial uses are permitted under the Town of Shandaken Zoning Law pursuant to Site Plan and Special Use Permit Reviews. The project is further located within the FEMA Flood Zone and is impacted by the Floodway [Alton Creek] on a portion thereof.

In addition, although multi-family units are permitted within the HC Zoning District, the project cannot exceed four (4) units under the Supplementary Regulations of the Town of Shandaken Zoning Law [See Sections 116-40(A)(2) and 116-40(A)(4)]. Therefore, the Applicant will be pursuing the issuance of a Use Variance for the additional six (6) units of multi-family housing.

Owing to the Wellington Hotel structure's existing onsite footprint, the plans for adaptive re-use and the parcels "corner lot" status, the Applicant will also be pursuing Area Variances from the ZBA, as detailed herein.

As set forth above, a portion of the Wellington Hotel developed site is located within the Floodway (FW) District. However, the Floodway portion of the project site is being wholly avoided and as a result, a "No Rise Certification" will not be necessary. It is further noted that redevelopment 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.

The project site is further located within the Flood Fringe Overlay (FF-O) District, wherein commercial uses are permitted pursuant to Local Law #1 of 2016.

Coordinated SEQRA review and permit requirements will also necessitate review by other administrative authorities for land use approvals. A listing of the agencies presently 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.) Section 116-28 of the Town of Shandaken Zoning Law
- iii.) Section 116-29
- iv.) Section 116-41 of the Town of Shandaken Zoning Law

2. Town of Shandaken Zoning Board of Appeals

- a.) Use Variance
- b.) Area Variances

A.) Statutory Authority

- i.) Sections 267-b(2) and 267-b(3) of the Town Law of New York State

- ii.) Article XI, Town of Shandaken Zoning Law
- iii.) In excess of 25% minimum lot area cannot be in Floodplain and the Project is at 40%
- iv.) Setbacks, height, density, corner lot, parking aisle widths, parking size dimensions
- v.) 7,500 sq ft per unit and additional retail/café use equals 90,000 square feet [7,500 sq ft/unit x 10 units, plus one retail/café at 15,000 sq ft - 90,000 sq ft]
- vi.) Off Street Parking Requirements

* NOTE: With respect to the foregoing area variance references, it is submitted that an enlargement of a pre-existing non-conforming structure does not require an area variance if the enlargement does not, "increase the degree of non-conformity". Sposato v. Zoning Board of Appeals of the Village of Pelham, 287 AD2d 639 (2001), Martens v. Zoning Board of Appeals of the Village of Marcellus, 195 AD2d 974 (1993), Bronxville Field Club, Inc. v. Davison, 305 AD2d 591 (2003).

Accordingly, once Allan Dumas, PE refines the site plan for the project, the Applicant will be seeking an Interpretation from the Town of Shandaken Code Enforcement Officer as to confirmation of required area variances under the Town of Shandaken Zoning Law.

- 3. New York City Department of Environmental Protection
 - a.) Small Stormwater Pollution Prevention Plan
 - b.) Sewer Connection
- A.) Statutory Authority
 - i.) New York City Watershed Rules and Regulations, Section 18-39
 - ii.) Local Law #1 of 2012: Sewers - Pine Hill
- 4. New York State Department of Environmental Conservation
 - a.) Permit for site disturbance within 100 feet of a Class B(t) stream [Alton Creek]
 - b.) Coordination with the NYCDEP under the MOA
- A.) Statutory Authority

- i.) Article 24, New York State Environmental Conservation Law
- 5. Town of Shandaken Flood Administrator
 - a.) Floodplain Development Permit
- A.) Statutory Authority
 - i.) Flood Damage Prevention Law [Local Law #1 of 2016]
 - ii.) Sections 116-29 through 116-41 of the Town of Shandaken Zoning Law
- 6. Town of Shandaken Town Board
 - a.) Money in Lieu of Parking
 - b.) Town of Shandaken Pine Hill Water District Hookup Authorization
- A.) Statutory Authority
 - i.) Section 116-24 Town of Shandaken Zoning Law
 - ii.) Local Law #1 of 2016
 - iii.) Water District Rules: Pine Hill Water District
- 7. Town of Shandaken Highway Department
 - a.) Curb Cut Permit
- A.) Statutory Authority
 - i.) Town of Shandaken Zoning Law
 - ii.) Town of Shandaken Code
- 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
 - c.) 50% Rule Compliance
 - 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]
 - iv.) 44 CFR Part 59 et. seq.
2. Ulster County Planning Board
 - a.) Referral and Recommendation
 - A.) Statutory Authority
 - i.) Section 239-m of the General Municipal Law
of New York State
 3. Ulster County Department of Health
 4. New York State Office of Parks, Recreation and
Historic Preservation
 - i.) Section 14.09, New York State Parks, Recreation
and Historic Preservation Law
 5. United States Department of the Interior Fish and
Wildlife Service
 - i.) Section 106, Endangered Species Act
 6. United States Department of the Army Corps of
Engineers
 - i.) 33 CFR, Part 330 et.seq.
 7. Town of Shandaken Police Department
 8. Pine Hill Fire District
 9. Town of Shandaken Ambulance Service
 10. Restore N.Y. Empire State Development
 11. RUPCO, Inc.
 12. Wellington Blueberry, LLC
 16. Other Agencies which the Town of Shandaken Planning
Board may deem interested for circulation during the
pendency of the Application under coordinated review.

III.) 50% RULE:

Pursuant to the 44 CFR, Part 59 et. seq., this Project is resulting in the preservation of a structure which is listed on the National Register of Historic Places and as such, the same is exempted from the 50% Rule "Substantial Improvement" requirements based upon the following:

- a.) The Wellington Hotel is a bonafide historic structure which is historically designated.
- b.) The Wellington Restoration Project will substantially maintain the historic status of the Wellington structure.
- c.) All possible flood damage protection measures will be taken in association with adaptive re-use and re-development of the structure.
- d.) Any existing code violations, if any, will be corrected.
- e.) The alteration of this historic structure will not preclude the structures continued designation as a historic structure.

IV.) PROJECT CONSULTANTS:

- 1.) Riseley and Moriello, PLLC - Legal
Michael A. Moriello, Esq.
Post Office Box 4465
Kingston, New York 12402
- 2.) Brinnier & Larios PC - Engineering
Allan Dumas, PE
67 Maiden Lane
Kingston, New York 12401
- 3.) Thaler Reilly Wilson Architecture & Preservation
LLP - Architecture/Historic Preservation
Mark Thaler, RA
20 Monroe Street, Suite 202
Albany, New York 12210
- 4.) Ecological Solutions, LLC - Endangered/Threatened
Species
Michael Nowicki
1248 Southford Road
Southbury, Connecticut 06488
- 5.) Joseph E. Diamond, PhD - Cultural/Archaeological
Resources
290 Old Route 209
Hurley, New York 12443

V.) NOTICE OF INTENT TO SERVE AS LEAD AGENCY:

The Applicant is hereby further submitting a draft SEQRA Notice of Intent to Serve as Lead Agency to the Town of Shandaken Planning Board for review and use with this Application. Your writer has also provided Ben Gailey, Esq. with a Word format copy of this draft document for any inclusions and/or changes [copy annexed].

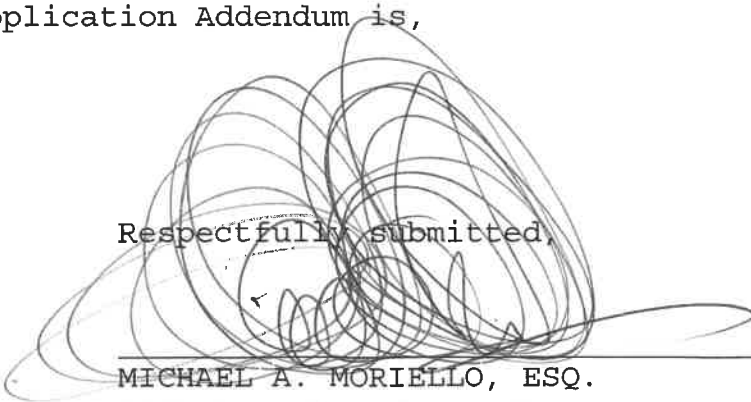
VI.) CONCLUSION:

The Applicant will work with the Planning Board, the ZBA, the public and all involved/interested agencies so that this adaptive re-use project may undergo a comprehensive and participatory 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, Special Use Permit, Use Variance and Area Variances Approvals, this SEQRA Application Addendum is,

Dated: December 2, 2024

Respectfully submitted,



MICHAEL A. MORIELLO, ESQ.
RISELEY & MORIELLO, PLLC
Attorneys for RUPCO, Inc.
111 Green Street, PO Box 4465
Kingston, New York 12402