

NOTICE OF PUBLIC HEARING ON PROPOSED STRAIGHT LEASE TRANSACTION

NOTICE IS HEREBY GIVEN to all interested parties that a public hearing, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) and Section 859-a of the General Municipal Law will be held by the Essex County Industrial Development Agency (the “Agency”) on May 6, 2021 at 9:00 o’clock a.m., local time in connection with the Project described below. Pursuant to Executive Order 202.1 (2020), issued and further extended by the Governor of the State of New York, the Agency will hold the public hearing remotely by a video/audio conference as described below:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTE1NDRhOTktYmZjNi00MjA5LTg1ZDktNGE0ZmUzZGFjYWRk%40thredad.v2/0?context=%7b%22Tid%22%3a%22ae4139da-4c60-49d1-a5bd-fdd5c35241d0%22%2c%22Oid%22%3a%22e542ada6-a507-4abf-97ce-e2a43419e016%22%7d

This is a notice for a public hearing to authorize a “straight-lease” transaction of the Agency for the purpose of providing financial assistance in connection with the project described below.

Dual Development, LLC (the “Applicant”) has requested that the Agency finance a project consisting of (A) (i) the acquisition, construction, reconstruction and equipping of a building in North Elba, New York, to be operated by the Applicant as an approximately 185-unit hotel, including the removal of the existing Quality Inn Hotel (the “Facility”), (ii) the acquisition and installation of various machinery, equipment and furnishings for the Facility, including substantial rehabilitation (the “Equipment”), and (iii) certain necessary preliminary and incidental expenses related thereto (the Facility and the Equipment hereinafter collectively referred to as the “Project”); and (B) the granting of certain other “financial assistance” (within the meaning of Section 854(14) of the General Municipal law) with respect to the Project and its financing, including potential exemptions from New York State sales and use tax (collectively the “Financial Assistance”); and (C) the sale of the Project to the Applicant or such other person as may be designated by the Applicant and agreed upon by the Agency. During the lease term, the Project will be owned by the Agency and leased to the Applicant. It is intended that interest on the Project will be exempt from sales and use tax.

The Project will be subject to a Straight Lease Agreement (the “Agreement”) requiring that the Applicant lease the Project from the Agency and to purchase the property at the end of the lease term, and grant a mortgage and security agreement with respect to the Project and an assignment of the lease agreement with the Applicant as security for the financing provided by the Applicant’s financial institution in such manner as the Agency and the Applicant mutually deem appropriate. 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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations”), the Agency will determine whether the Project may have a “significant effect on the environment” (as set forth in the SEQR Act and the

Regulations) and therefore require the preparation of an environmental assessment form. Such determinations shall be and shall be deemed to be in conformity with similar determinations of the Adirondack Park Agency, if and when issued.

The Agency will at the above-stated time and place hear all persons with views in favor of or opposed to the proposed Financial Assistance to the Applicant.

A report of the hearing will be made available to the Board of Supervisors of Essex County, New York. This notice will be published in a newspaper in general circulation in Essex County at least ten (10) days prior to the date set for the hearing.

Dated: April 22, 2021

ESSEX COUNTY INDUSTRIAL
DEVELOPMENT AGENCY, NEW
YORK
Jamie Rogers, Secretary