



**INDUSTRIAL DEVELOPMENT AGENCY**

83 Broadway, Newburgh, NY 12550

(845) 569-7369 [idadirector@cityofnewburgh-ny.gov](mailto:idadirector@cityofnewburgh-ny.gov)

## **BOARD MEETING**

Monday October 21, 2024, 6pm  
83 Broadway, 3<sup>rd</sup> floor, Newburgh, NY

### **AGENDA**

1. Roll Call
2. Proof of Notice of Meeting
3. Appointment of officers and committees – Audit/Finance and Governance
4. Reading and approval of minutes of the previous meeting
5. Report of the Treasurer  
Approval of Treasurer’s Report for June, July, August, September 2024  
Approval of payment of bills for June, July, August, September 2024
6. Chairman’s Report
7. Counsel’s Report
8. Executive Director’s Report
9. New Business

*Resolution # 2024-10-21-01 Housekeeping*

*Resolution # 2024-10-21-02 Public Hearing for 5 Scobie Drive*

*Resolution # 2024-10-21-03 Public Hearing for 50-72 Liberty Street LLC*

*Resolution # 2024-10-21-04 SEQRA for IV 5 Newburgh South Logistics LLC*

*Resolution #2024-10-21-05 Approving Resolution for IV 5 Newburgh South Logistics LLC*

10. Old Business

104 Washington Street

11. Adjournment

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
TREASURER'S REPORT OCTOBER 21, 2024 MEETING  
JUNE**

**OPERATING Account #2847**

**Opening Balance** As of June 1, 2024 **\$378,293.94**  
from bank statement

**Deposits**

<u>Payor</u>	<u>Amount</u>	<u>Remarks</u>
6/3/2024 AT&T	3,880.29	
6/4/2024 Central Hudson	2,218.94	
6/4/2024 T-Mobile	5,243.79	
6/26/2024 Dish Network	1,500.00	
6/27/2024 Shaw Building, LP	1,000.00	Application Fee
6/28/2024 T-Mobile	5,243.79	
6/28/2024 Interest Paid	1,205.89	Interest Rate 4.06%

**TOTAL DEPOSITS 2847** **\$20,292.70**

**Disbursements**

<u>Payee</u>	<u>Amount</u>	<u>Remarks</u>
ACH 6/1/2024 QuickBooks Online	64.88	Monthly payment
Check #1262 6/6/2024 blackDog	745.00	Invoice 1299
Check #1263 6/6/2024 MRB Group	6,000.00	Invoice 61135
Check #1264 6/17/2024 Cherisse Vickers	21.61	Reimbursed Expenses
Check #1265 6/17/2024 Adriana Huaynalaya	5.18	Reimbursed Expense
Check #1266 6/24/2024 Whiteman, Osterman & Hanna, LLP	2,773.50	Invoice 709512, 709513, 709514, 709516

**TOTAL CHECKS & DISBURSEMENTS 2847** **\$9,610.17**

**Closing Balance** As of June 30, 2024 **\$388,976.47 Op Acct #2847**

**PAYROLL Acct #8243**

<b>Opening Balance</b>	As of June 1, 2024	<b>\$99,590.63</b>
Debit	6/5/2024 Payroll Fees May 24	56.23
Debit	6/12/2024 Net Pay (part of gross wages)	3,604.96 5/27/24-6/09/24
Debit	6/12/2024 Employer Payroll Tax + Employee WH (part of gross wages)	1,257.50 5/27/24-6/09/24
Debit	6/26/2024 Net Pay (part of gross wages)	3,560.04 6/10/24 - 6/23/24
Debit	6/26/2024 Employer Payroll Tax + Employee WH (part of gross wages)	1,237.84 6/10/24 - 6/23/24
	Total Monthly Payroll Expense	<b>9,716.57</b>
Credit	6/28/2024 Interest Paid	313.65 Interest Rate 4.06%
<b>Closing Balance</b>	As of June 30, 2024	<b>\$90,187.71 Payroll Acct #8243</b>

**APPLICATIONS FUND Account #2855**

<b>Opening Balance</b>	As of June 1, 2024	<b>\$14,151.44</b>
<b>Closing Balance</b>	As of June 30, 2024	<b>\$14,151.44 App Fund Acct #2855</b>

**LESSOR/TENANT Account #2863**

<b>Opening Balance</b>	As of June 1, 2024	<b>\$2,461.34</b>
Interest Income	6/28/2024 Interest Paid	\$8.07 Interest Rate 4.06%
<b>Closing Balance</b>	As of June 30,2024	<b>\$2,469.41 Lessor Acct #2863</b>

**LABOR MONITORING Account #7072**

<b>Opening Balance</b>	As of June 1, 2024	<b>\$15,014.79</b>
<b>Closing Balance</b>	As of June 30, 2024	<b>\$15,014.79 Labor Monitor Acct #7072</b>



**MONEY MARKET Account #2871**

<b>Opening Balance</b>	As of June 1, 2024	<b>\$1,255,815.27</b>
Interest Income	6/28/2024 Interest Paid	4,117.43 Interest Rate 4.06%
<b>Closing Balance</b>	As of June 30,2024	<b>\$1,259,932.70 MM Acct #2871</b>

**NEWBURGH SOUTH LOGISTICS CENTER Account #6521**

<b>Opening Balance</b>	As of June 1, 2024	<b>\$33.59</b>
Interest Income	6/28/2024 Interest Paid	0.11 Interest Rate 4.06%
<b>Closing Balance</b>	As of June 30, 2024	<b>\$33.70 NSLC Acct #6521</b>

**LAKELAND BANK Account #4346**

<b>Opening Balance</b>	As of June 1, 2024	<b>\$0.00</b>
<b>Closing Balance</b>	As of June 30, 2024	<b>\$0.00 LAKELAND BANK Account #5356</b>

**LAKELAND BANK Account #5683**

<b>Opening Balance</b>	As of June 1, 2024	<b>\$4,154,731.08</b>
<b>Closing Balance</b>	As of June 30, 2024	<b>\$4,154,731.08 LAKELAND BANK Account #5683</b>

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
TREASURER'S REPORT OCTOBER 21, 2024 MEETING  
JULY**

**OPERATING Account #2847**

**Opening Balance** As of July 1, 2024 **\$370,255.13**  
from bank statement

**Deposits**

<u>Payor</u>	<u>Amount</u>	<u>Remarks</u>
7/2/2024 AT&T	3,996.71	
7/2/2024 Central Hudson	2,218.94	
7/17/2024 Orange County	39,705.78	Rent for July
7/31/2024 Orange County	39,705.78	Rent for August
7/31/2024 Dish Network	1,500.00	
7/31/2024 Interest Paid	1,343.79	Interest Rate 4.06%

**TOTAL DEPOSITS 2847** **\$88,471.00**

**Disbursements**

<u>Payee</u>	<u>Amount</u>	<u>Remarks</u>
ACH 7/1/2024 QuickBooks Online	64.88	Monthly payment
Check #1267 7/2/2024 Whiteman, Osterman & Hanna, LLP	745.00	Invoice 709515
ACH 7/8/2024 Gannett NY-NJ LocaliQ	144.63	7/25/24 Public Hearing
Check #1268 7/9/2024 black dog DESIGNS, LLC	8,696.99	Remaining 65% for Invoice NIDA101923
Check #1269 7/9/2024 Adriana Huaynalaya	45.32	Reimbursed Expense
Check #1270 7/9/2024 MRB Group	1,256.25	Invoice 616611
Check #1272 7/9/2024 Cherisse Vickers	53.59	Reimbursed Expense

**TOTAL CHECKS & DISBURSEMENTS 2847** **\$11,006.66**

**Closing Balance** As of July 31, 2024 **\$447,719.47 Op Acct #2847**

**PAYROLL Acct #8243**

<b>Opening Balance</b>	As of July 1, 2024	<b>\$90,187.71</b>
Debit	7/2/2024 Payroll Fees June 24	69.21
Credit	7/10/2024 Partial Refund for Payroll Fees June 24	12.98
Debit	7/10/2024 Net Pay (part of gross wages)	3,402.87 6/24/24-7/07/24
Debit	7/10/2024 Employer Payroll Tax + Employee WH (part of gross wages)	1,168.93 6/24/24-7/07/24
Debit	7/24/2024 Net Pay (part of gross wages)	3,604.95 7/08/24 - 7/21/24
Debit	7/24/2024 Employer Payroll Tax + Employee WH (part of gross wages)	1,257.52 7/08/24 - 7/21/24
	<b>Total Monthly Payroll Expense</b>	<b>9,490.50</b>
Credit	7/31/2024 Interest Paid	290.11 Interest Rate 4.06%
<b>Closing Balance</b>	As of July 31, 2024	<b>\$80,987.32 Payroll Acct #8243</b>

**APPLICATIONS FUND Account #2855**

<b>Opening Balance</b>	As of July 1, 2024	<b>\$14,151.44</b>
<b>Closing Balance</b>	As of July 31, 2024	<b>\$14,151.44 App Fund Acct #2855</b>

**LESSOR/TENANT Account #2863**

<b>Opening Balance</b>	As of July 1, 2024	<b>\$2,469.41</b>
Interest Income	7/31/2024 Interest Paid	\$8.37 Interest Rate 4.06%
<b>Closing Balance</b>	As of July 31, 2024	<b>\$2,477.78 Lessor Acct #2863</b>

**LABOR MONITORING Account #7072**

<b>Opening Balance</b>	As of July 1, 2024	<b>\$15,014.79</b>
<b>Closing Balance</b>	As of July 31, 2024	<b>\$15,014.79 Labor Monitor Acct #7072</b>

**MONEY MARKET Account #2871**

<b>Opening Balance</b>	As of July 1, 2024	<b>\$1,259,932.70</b>
Interest Income	7/31/2024 Interest Paid	4,268.62 Interest Rate 4.06%
<b>Closing Balance</b>	As of July 31, 2024	<b>\$1,264,201.32 MM Acct #2871</b>

**NEWBURGH SOUTH LOGISTICS CENTER Account #6521**

<b>Opening Balance</b>	As of July 1, 2024	<b>\$33.70</b>
<u>Deposits</u>		
	7/18/2024 Brookfield Properties	2,310.00 Deposit for W.O.H Invoice 709509
Interest Income	7/31/2024 Interest Paid	3.40 Interest Rate 4.06%
<b>Closing Balance</b>	As of July 31, 2024	<b>\$2,347.10 NSLC Acct #6521</b>

**LAKELAND BANK Account #4346**

<b>Opening Balance</b>	As of July 1, 2024	<b>\$0.00</b>
<b>Closing Balance</b>	As of July 31, 2024	<b>\$0.00 LAKELAND BANK Account #4346</b>

**LAKELAND BANK Account #5683**

<b>Opening Balance</b>	As of July 1, 2024	<b>\$4,154,731.08</b>
Interest Income	7/18/2024 Interest Paid	52,511.18 Interest Rate 5.00%
<b>Closing Balance</b>	As of July 31, 2024	<b>\$4,207,242.26 LAKELAND BANK Account #5683</b>

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
TREASURER'S REPORT OCTOBER 21, 2024 MEETING  
AUGUST**

**OPERATING Account #2847**

**Opening Balance** As of August 1, 2024 **\$458,451.74**  
from bank statement

<u>Deposits</u>	<u>Payor</u>	<u>Amount</u>	<u>Remarks</u>
	8/1/2024 AT&T	3,996.71	
	8/1/2024 Central Hudson	2,218.94	
	8/2/2024 T-Mobile	5,260.57	
	8/15/2024 50-72 Liberty Street LLC	1,000.00	IDA Application fee for 1 Lafayette
	8/28/2024 Dish Network	1,500.00	
	8/29/2024 Orange County	39,705.78	
	8/30/2024 Interest Paid	1,556.98	Interest Rate 4.07%
<b>TOTAL DEPOSITS 2847</b>		<b>\$55,238.98</b>	

**Disbursements**

	<u>Payee</u>	<u>Amount</u>	<u>Remarks</u>
Check #1273	8/1/2024 Storage Boss	1,080.00	Storage unit renewal
Check #1276	8/5/2024 Philadelphia Insurance Co	1,513.00	Board of Directors Insurance
Check #1277	8/8/2024 Veritext	210.25	7/25/24 Public Hearing transcript
Check #1278	8/12/2024 City of Newburgh	454.16	7/25/24 Public Hearing officers
Check #1279	8/12/2024 J&G Law, LLP	5,410.84	Invoice 318073
Check #1281	8/19/2024 MRB Group	5,633.15	Invoice 62220, 62578
Check #1282	8/26/2024 Cherisse Vickers	37.60	Reimbursed Expense
Check #1283	8/29/2024 Office of New York State Comptroller	170.00	Government Accounting Classs
Check #1284	8/29/2024 Whiteman Osterman & Hanna LLP	296.94	Invoice 723923, 723788
ACH	8/30/2024 QuickBooks Online	70.28	Monthly payment
<b>TOTAL CHECKS &amp; DISBURSEMENTS 2847</b>		<b>\$14,876.22</b>	

**Closing Balance** As of August 31, 2024 **\$498,814.50 Op Acct #2847**

**PAYROLL Acct #8243**

**Opening Balance** As of August 1, 2024 **\$80,987.32**

Debit	8/5/2024	Payroll Fees July 24	69.21
Debit	8/7/2024	Net Pay (part of gross wages)	3,604.96 7/22/24-8/04/24
Debit	8/7/2024	Employer Payroll Tax + Employee WH (part of gross wages)	1,257.50 7/22/24-8/04/24
Debit	8/21/2024	Net Pay (part of gross wages)	3,604.96 8/05/24 - 8/18/24
Debit	8/21/2024	Employer Payroll Tax + Employee WH (part of gross wages)	1,257.50 8/05/24 - 8/18/24
		<b>Total Monthly Payroll Expense</b>	<b>9,794.13</b>
Credit	8/30/2024	Interest Paid	255.05 Interest Rate 4.07%

**Closing Balance** As of August 31, 2024 **\$71,448.24 Payroll Acct #8243**

**APPLICATIONS FUND Account #2855**

**Opening Balance** As of August 1, 2024 **\$14,151.44**

**Closing Balance** As of August 31, 2024 **\$14,151.44 App Fund Acct #2855**

**LESSOR/TENANT Account #2863**

**Opening Balance** As of August 1, 2024 **\$2,477.78**

Interest Income 8/30/2024 Interest Paid \$8.39 Interest Rate 4.07%

**Closing Balance** As of August 31,2024 **\$2,486.17 Lessor Acct #2863**

**LABOR MONITORING Account #7072**

**Opening Balance** As of August 1, 2024 **\$15,014.79**

**Closing Balance** As of August 31, 2024 **\$15,014.79 Labor Monitor Acct #7072**

**MONEY MARKET Account #2871**

<b>Opening Balance</b>	As of August 1, 2024	<b>\$1,264,201.32</b>
Interest Income	8/30/2024 Interest Paid	4,283.09 Interest Rate 4.07%
<b>Closing Balance</b>	As of August 31,2024	<b>\$1,268,484.41 MM Acct #2871</b>

**NEWBURGH SOUTH LOGISTICS CENTER Account #6521**

<b>Opening Balance</b>	As of August 1, 2024	<b>\$2,347.10</b>
<b><u>Deposits</u></b>		
	8/22/2024 Brookfield Properties	2,030.00 Deposit for W.O.H Invoice 717769
Interest Income	8/30/2024 Interest Paid	9.40 Interest Rate 4.07%
	<b>TOTAL DEPOSITS 6521</b>	<b>\$2,039.40</b>
<b><u>Disbursements</u></b>		
	8/26/2024 Whiteman Osterman & Hanna LLP	2,030.00 Invoice 717769
	<b>TOTAL CHECKS &amp; DISBURSEMENTS 6521</b>	<b>\$2,030.00</b>
<b>Closing Balance</b>	As of August 31, 2024	<b>\$2,356.50 NSLC Acct #6521</b>

**LAKELAND BANK Account #4346**

<b>Opening Balance</b>	As of August 1, 2024	<b>\$0.00</b>
<b>Closing Balance</b>	As of August 31, 2024	<b>\$0.00 LAKELAND BANK Account #5356</b>

**LAKELAND BANK Account #5683**

<b>Opening Balance</b>	As of August 1, 2024	<b>\$4,207,242.26</b>
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**Closing Balance**

As of August 31, 2024

**\$4,207,242.26 LAKELAND BANK Account #5683**



**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
TREASURER'S REPORT OCTOBER 21, 2024 MEETING  
SEPTEMBER**

**OPERATING Account #2847**

**Opening Balance** As of September 1, 2024 **\$490,055.70**  
from bank statement

<u>Deposits</u>	<u>Payor</u>	<u>Amount</u>	<u>Remarks</u>
	9/1/2024 AT&T	3,996.71	
	9/4/2024 T-Mobile	5,308.81	
	9/4/2024 Central Hudson	2,218.94	
	9/23/2024 Orange County	39,705.78	
	9/30/2024 T-Mobile	5,308.81	
	9/30/2024 Dish Network	1,500.00	
	9/30/2024 Interest Paid	1,610.02	Interest Rate 4.02%
<b>TOTAL DEPOSITS 2847</b>		<b>\$59,649.07</b>	

**Disbursements**

	<u>Payee</u>	<u>Amount</u>	<u>Remarks</u>
Check #1285	9/3/2024 MRB Group	1,200.00	Invoice 62721
Check #1286	9/1/2024 black dog Designs, LLC	745.00	Invoice 1554
Check #1287	9/10/2024 Cherisse Vickers	21.61	Reimbursed Expense
Check #1288	9/10/2024 black dog Designs, LLC	1,490.00	Invoice 1472, 1431
Check #1289	9/10/2024 Whiteman Osterman & Hanna LLP	3,377.00	Invoice 723781
Check #1290	9/26/2024 MRB Group	12,000.00	Invoice 63225, 63226, 63227
Check #1291	9/26/2024 Whiteman Osterman & Hanna LLP	1,395.76	Invoice 728296, 728300
ACH	9/30/2024 QuickBooks Online	70.28	Monthly payment
<b>TOTAL CHECKS &amp; DISBURSEMENTS 2847</b>		<b>\$20,299.65</b>	

**Closing Balance** As of September 30, 2024 **\$529,405.12 Op Acct #2847**

**PAYROLL Acct #8243**

**Opening Balance** As of September 1, 2024 **\$71,448.24**

Debit	9/4/2024	Net Pay (part of gross wages)	3,604.95	8/19/24-9/01/24
Debit	9/4/2024	Employer Payroll Tax + Employee WH (part of gross wages)	1,257.52	8/19/24-9/01/24
Debit	9/5/2024	Payroll Fees August 24	56.23	
Debit	9/18/2024	Net Pay (part of gross wages)	3,604.96	9/02/24 - 9/15/24
Debit	9/18/2024	Employer Payroll Tax + Employee WH (part of gross wages)	1,257.50	9/02/24 - 9/15/24
		<b>Total Monthly Payroll Expense</b>	<b>9,781.16</b>	
Credit	9/30/2024	Interest Paid	210.31	Interest Rate 4.02%

**Closing Balance** As of September 30, 2024 **\$61,877.39 Payroll Acct #8243**

**APPLICATIONS FUND Account #2855**

**Opening Balance** As of September 1, 2024 **\$14,151.44**

**Closing Balance** As of September 30, 2024 **\$14,151.44 App Fund Acct #2855**

**LESSOR/TENANT Account #2863**

**Opening Balance** As of September 1, 2024 **\$2,486.17**

Interest Income 9/30/2024 Interest Paid \$8.05 Interest Rate 4.02%

**Closing Balance** As of September 30,2024 **\$2,494.22 Lessor Acct #2863**

**LABOR MONITORING Account #7072**

**Opening Balance** As of September 1, 2024 **\$15,014.79**

**Closing Balance** As of September 30, 2024 **\$15,014.79 Labor Monitor Acct #7072**

**MONEY MARKET Account #2871**

<b>Opening Balance</b>	As of September 1, 2024	<b>\$1,268,484.41</b>
Interest Income	9/30/2024 Interest Paid	4,106.98 Interest Rate 4.02%
<b>Closing Balance</b>	As of September 30,2024	<b>\$1,272,591.39 MM Acct #2871</b>

**NEWBURGH SOUTH LOGISTICS CENTER Account #6521**

<b>Opening Balance</b>	As of September 1, 2024	<b>\$2,072.00</b>
<b><u>Deposits</u></b>		
	9/6/2024 Brookfield Properties	3,430.00 Deposit for W.O.H Invoice 723782
Interest Income	9/30/2024 Interest Paid	2.66 Interest Rate 4.07%
<b>TOTAL DEPOSITS 6521</b>		<b>\$3,432.66</b>
<b><u>Disbursements</u></b>		
Check #1008	9/9/2024 Whiteman Osterman & Hanna LLP	3,430.00 Invoice 723782
<b>TOTAL CHECKS &amp; DISBURSEMENTS 6521</b>		<b>\$3,430.00</b>
<b>Closing Balance</b>	As of September 30, 2024	<b>\$2,074.66 NSLC Acct #6521</b>

**PROVIDENT BANK Account #4346**

<b>Opening Balance</b>	As of September 1, 2024	<b>\$0.00</b>
<b>Closing Balance</b>	As of September 30, 2024	<b>\$0.00 PROVIDENT BANK Account #4346</b>

**PROVIDENT BANK Account #5683**

<b>Opening Balance</b>	As of September 1, 2024	<b>\$4,207,242.26</b>
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**Closing Balance**

As of September 30, 2024

**\$4,207,242.26 PROVIDENT BANK Account #5683**

CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY

## Resolution No. 2024-10-21-01

### INTERIM HOUSEKEEPING RESOLUTION

A regular meeting of City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, Newburgh, New York on October 21, 2024, at 6:00 o'clock p.m., local time.

The meeting was called to order by Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Christina Amato  
Gregory Nato  
Michael Nepl  
Alexandra Church  
Vickiana DeMora  
Sharonda Powell

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq. and David Craft, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

WHEREAS, the City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act” or the “Act”) and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing,

improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and

WHEREAS, under Section 856 of the Act, the members of the Agency shall elect the officers of the Agency; and

WHEREAS, under the Agency's Policy Manual, the Agency shall review its policies and by-laws on an annual basis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby takes the following actions:

(A) Approves and confirms the Appointment of Executive Director and Staff to the Agency; (iii) the appointment of Officers of the Agency; and (iii) appointment of members of the Agency Committees, all as described on **Exhibit A**, as the same may have been amended previously to or at this meeting.

Section 2. The Agency hereby authorizes the Chairperson, the Executive Director and Agency Counsel to take all steps necessary to implement the matters described in **Exhibit A** attached.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Christina Amato	VOTING
Gregory Nato	VOTING
Michael Nepl	VOTING
Alexandra Church	VOTING
Vickiana DeMora	VOTING
Sharonda Powell	VOTING

The foregoing resolution was thereupon declared duly adopted.

DRAFT

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

I, the undersigned Secretary of City of Newburgh Industrial Development Agency (the “Agency”), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency held on October 21, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_ day of October, 2024.

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Secretary

(SEAL)



**EXHIBIT A**

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

1. Appointment of Executive Director and Staff to the Agency

Cherisse Vickers – Executive Director  
Adriana Huaynalaya – Financial Administrator

2. Officers of the Agency:

Name

Title

Chairperson  
First Vice Chairperson  
Treasurer  
Secretary

3. Committee Assignments for 2024/2025

Finance Committee:

Audit Committee:

Governance Committee:

CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY

## Resolution No. 2024-10-21-02

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, 3rd Floor, Newburgh, New York October 21, 2024, at 6:00 o'clock p.m., local time.

The meeting was called to order by the Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Christina Amato  
Gregory Nato  
Michael Nepl  
Alexandra Church  
Vickiana DeMora  
Sharonda Powell

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq. and David Craft, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 2024-10-21-02

RESOLUTION AUTHORIZING THE CHAIR OR THE VICE CHAIR OR ANY OFFICER OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF SCOBIE INDUSTRIAL PARTNERS, LLC, AND TO SEND A LETTER TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAXING ENTITIES INFORMING THEM OF A PROPOSED DEVIATION FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED PROJECT.

WHEREAS, the City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of

Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act” or the “Act”) and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency owns certain real property located at 5 Scobie Drive, Newburgh, New York (the “Property”) by deed from the City of Newburgh; and

WHEREAS, the Agency and the New York State Department of Environmental Conservation (“DEC”) entered into a Brownfield Site Cleanup Agreement (“Brownfield Cleanup Agreement”) that contemplated investigation and potential remediation of contamination on or around the Property (the “Work”); and

WHEREAS, the Agency issued a Request for Proposals for the sale and development of the Property on or about June, 2019 (the “RFP”); and

WHEREAS, in response to the RFP, the Agency received two proposals; and

WHEREAS, at the meeting of the Agency held on December 16, 2019, the Agency determined to proceed with the negotiation of a contract of sale with Scobie Industrial Partners, LLC, a New York limited liability company (the “Company”); and

WHEREAS, the Agency entered into a Contract of Sale for the Property with the Company on or about July 30, 2022, as amended; and

WHEREAS, as part of the stated consideration in the Contract of Sale for the Property, the Company agreed to bear responsibility for the entire costs of the required clean-up of the Property under the Brownfield Cleanup Agreement; and

WHEREAS, DEC agreed to amend the Brownfield Cleanup Agreement to, among other things, add the Company as a volunteer under the agreement responsible for implementation of the Work subject to the terms under the Brownfield Cleanup Agreement; and

WHEREAS, pursuant to a Real Property License Agreement by and between the Agency and Company, the Agency has granted the Company access to the Property, prior to the closing of the Contract of Sale for the Property, for purposes of undertaking the Work at the Property; and

WHEREAS, the Company has designed a Remedial Action Work Plan for the remediation of the contamination on or around the Property; and

WHEREAS, the Company's Remedial Action Work Plan has received preliminary approval from the State's Department of Environmental Conservation; and

WHEREAS, the Company desires to proceed with the purchase of the Property under the terms of the Contract for Sale for the Property; and

WHEREAS, on July 18, 2024, the Company, or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (those designated persons or entities included in the definition of the Company), submitted an application to the Agency, which application has been updated by the Company prior to this meeting (collectively, the "Application"), a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) the acquisition of an interest in the Property, (2) the remediation of hazardous waste present on the Property pursuant to the Remedial Action Work Plan developed by the Company and approved by DEC, (3) the construction and improvement of a new warehouse distribution building on the Property totaling approximately 125,000 square feet (the "Facility"), and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (the Property, the Facility, and the Equipment hereinafter collectively referred to as the "Project Facility"), (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 estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Company requests the following Financial Assistance: a) a fifteen (15) year payment in lieu of tax agreement ("PILOT") at an estimated value of Two Million Three Hundred Ninety-Five Thousand Nine Hundred Fifty-Five Dollars (\$2,395,955.00); b) an exemption from mortgage recording taxes at an estimated value of Two Hundred Twelve Thousand Three Hundred Ten Dollars (\$212,310.00); and c) an exemption from New York State sales and compensating use taxes at an estimated value of Nine Hundred Fourteen Thousand Six Hundred Twenty-Five Dollars (\$914,625.00); and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any "financial assistance" (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any "financial assistance", the Agency must obtain a written cost-benefit analysis of the Project, and

WHEREAS, the Agency has previously engaged a third-party municipal services firm, MRB Group, which assessed the Project and developed a written cost benefit analysis which identified the following economic impact and benefits to the City of Newburgh from the Project: a) the construction phase of the Project will create 35 direct/indirect jobs that generate approximately \$2,862,830.00 in wages; b) the Project will result in 20 permanent jobs earning approximately \$1,900,000.00 in wages on an annual basis; c) Orange County will benefit from additional, one-time sales tax revenue of \$18,787.00 associated with construction wages earned during the construction phase and additional sales tax revenue of \$220,955.00 related to new wages earned from permanent jobs; d) over the course of 15 years, the Project will generate an increase of \$1,652,754.00 in additional property tax revenue on the current taxes for Orange County, the City of Newburgh, and the Newburgh Enlarged City School District; and

WHEREAS, in connection with the Application, the Company has made a request to the Agency (the "Pilot Request") to deviate from its Uniform Tax Exemption Policy (the "Policy") with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the "Proposed Pilot Agreement"); and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Policy provides that the real property tax abatements to be provided by the Agency shall apply only to the value added by an applicant's construction or renovation activities (i.e., the "improvements" made) to the existing parcel and improvements involved (the "Added Value"); and

WHEREAS, the comparison of the current Added Value of the Project to the proposed deviation from the Policy proposed by the Company are set forth below:

<b>PILOT TAX YEAR</b>	<b>PILOT PAYMENT DUE</b>	<b>APPROXIMATE PILOT ABATEMENT PERCENTAGE*</b>
1	\$26,170	0%
2	\$26,825	0%
3	\$62,957	85%
4	\$64,531	85%
5	\$66,145	85%
6	\$93,258	75%
7	\$95,589	75%
8	\$97,979	75%
9	\$127,845	65%
10	\$131,041	65%
11	\$134,317	65%
12	\$167,200	55%
13	\$171,380	55%

14	\$175,665	55%
15	\$211,851	45%
16 and Thereafter	Full Tax	0%

\*Chart is for illustrative purposes only.

WHEREAS, pursuant to Section 858(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency; and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the request for a deviation from the Policy, the Agency must adopt a resolution setting forth, with respect to the proposed deviation: (a) the amount of the proposed Tax Exemption, (b) the amount and nature of the proposed PILOT, (c) indicating the reasons for the proposed deviation, and (d) whenever possible, provide the Affected Tax Jurisdictions prior written thirty (30) days' notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a and 874(4) of the Act with respect to the Project by scheduling a public hearing for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby induces the Project and authorizes the Chair, the Vice Chair or any Officer of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project (the "Public Hearing"); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act and shall be at least thirty (30) days prior to the date of such Public Hearing; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct or cause the holding of such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the "Report") to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. Having considered both the Application, the Pilot Request and the Policy, the Agency hereby authorizes the Chair, the Vice Chair or any Officer of the Agency, to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that (A) the Agency is considering a proposed deviation from the Policy with respect to the Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A); (B) soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation; and (C)

inviting attendance of the of any representative of the Affected Tax Jurisdictions to attend the Public Hearing.

Section 3. The Chair, the Vice Chair and/or any Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. All action taken by the Chair, the Vice Chair and/or any Officer of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

Section 5. This Resolution shall take effect immediately.

DRAFT

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Christina Amato	VOTING
Gregory Nato	VOTING
Michael Nepl	VOTING
Alexandra Church	VOTING
Vickiana DeMora	VOTING
Sharonda Powell	VOTING

The foregoing Resolution was thereupon declared duly adopted.

DRAFT





**EXHIBIT A**

NOTICE OF DEVIATION TO THE AFFECTED TAX JURISDICTIONS ISSUED IN ACCORDANCE  
WITH AGENCY RESOLUTION DATED OCTOBER 21, 2024

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
83 Broadway, Third Floor  
Newburgh, New York 12551-1298  
Tel: 845-569-7369

October \_\_, 2024

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

The Honorable Steven M. Neuhaus  
County Executive of Orange County  
Orange County Government Center  
255 Main Street  
Goshen, New York 10924

Jackielyn Manning Campbell.  
Superintendent of Schools  
Newburgh Enlarged School District  
124 Grand Street  
Newburgh, New York 12550

The Honorable Torrance Harvey, Mayor  
City of Newburgh  
83 Broadway  
Newburgh, New York 12551

Christine M. Bello, Board President  
Newburgh Enlarged School District  
124 Grand Street  
Newburgh, New York 12550

The Honorable Todd Venning, City  
Manager  
City of Newburgh  
83 Broadway  
Newburgh, New York 12551

The Honorable Giselle Martinez, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

The Honorable Ramona Monteverde,  
Council Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

The Honorable Robert Sklarz, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

**ADDRESSEES CONTINUED**

October \_\_, 2024

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The Honorable Patty Sofokles, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

The Honorable Robert McLymore, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

The Honorable Omar Shakur, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

RE: Proposed Deviation from Uniform Tax Exemption  
policy by the City of Newburgh Industrial  
Development Agency (“Agency”) in connection with  
its Proposed Scobie Industrial Partners, LLC Project

Honorable Sir/Madame:

This letter is delivered to you pursuant to Section 874(4)(b) of the General Municipal Law (the “Act”).

Scobie Industrial Partners, LLC, a New York limited liability company, or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (collectively, the “Company”), submitted an application to the Agency, as amended (collectively, the “Application”), a copy of which Application is on file at the office of the Agency and available at the Agency website (<https://www.cityofnewburgh-ny.gov/505/Industrial-Development-Agency-IDA>), requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) the acquisition of an interest in a parcel of real property consisting of approximately 15.24 acres located at 5 Scobie Drive, Newburgh, New York (the “Land”), (2) the remediation of hazardous waste present on the Land pursuant to the Remedial Action Work Plan developed by the Company and approved by the New York State Department of Environmental Conservation (“DEC”), (3) the construction and improvement of a new warehouse distribution building on the Land totaling approximately 125,000 square feet (the “Facility”), and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), (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 estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

At its regular meeting held on October 21, 2024, the Company made a request to the Agency (the “Pilot Request”) to enter into a payment in lieu of tax agreement (the “Proposed Pilot Agreement”) which terms deviate from the Agency Uniform Tax Exemption Policy (the “Policy”). (Capitalized terms not otherwise defined herein are defined in the Policy which can be viewed at <https://www.cityofnewburgh-ny.gov/industrial-development-agency/pages/ida-projects>.) At its October 21, 2024 regular meeting, the Agency approved a Public Hearing Resolution. The Public Hearing to consider the Project and the deviation from the Policy is scheduled for **November \_\_, 2024**.

Pursuant to Section 874(4) of the Act, and in accordance with the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must adopt a resolution setting forth, with

respect to the proposed deviation: (a) the amount of the proposed Tax Exemption, (b) the amount and nature of the proposed PILOT, and (c) indicating the reasons for the proposed deviation. At its regular meeting held on October 21, 2024, the Agency approved the issuance of this letter setting forth the reasons of the proposed deviation from the Policy as required by the Act and the Policy.

The Proposed Pilot Agreement would be for a term of up to 15 years, with the Company making the payments in each year as a Pilot Payment as follows:

[DRAFT - TO BE FINALIZED AFTER COMMENTS RECEIVED]

<b>PILOT TAX YEAR</b>	<b>PILOT PAYMENT DUE</b>	<b>APPROXIMATE PILOT PERCENTAGE*</b>
1	\$26,170	0%
2	\$26,825	0%
3	\$62,957	85%
4	\$64,531	85%
5	\$66,145	85%
6	\$93,258	75%
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8	\$97,979	75%
9	\$127,845	65%
10	\$131,041	65%
11	\$134,317	65%
12	\$167,200	55%
13	\$171,380	55%
14	\$175,665	55%
15	\$211,851	45%
16 and Thereafter	Full Tax	0%

\*For illustrative purposes only.

The purpose of this letter is to inform you of (i) the Pilot Request, (ii) the proposed deviation from the Policy, and (iii) that the Agency is considering whether to grant the Pilot Request and to approve a Proposed Pilot Agreement conforming to the terms of the Pilot Request. The Agency expects to consider whether to approve the terms of the Proposed Pilot Agreement at the Public Hearing. The Public Hearing will also serve as the initial Public Hearing so that the Agency can hear comments from the public on the proposed financial assistance being considered for the Project. You are encouraged to submit written comments to the Agency prior to or at the hearing date on **November \_\_, 2024**. This letter is forwarded to you for purposes of complying with Section 874 of the Act and the Policy, which requires notice prior to the Agency taking final action with respect to the Proposed Pilot Agreement (if said Proposed Pilot Agreement may deviate from the provisions of the Policy).

The Agency has considered the following factors in considering the proposed deviation from the Policy:

1. The nature of the Project: Remediation of a brownfield site and the development, construction and improvement of one (1) new a new warehouse distribution building on the Land totaling approximately 125,000 square feet.
2. The present use of the property: vacant land. The proposal would transform this vacant contaminated land into a vibrant business bringing jobs and sales tax revenue to the City.
3. The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area: At the time of the filing of the Application, the economic condition of the area in which the Project Facility is to be located is distressed.
4. New revenue from development of the Project is projected to be (in accordance with the Agency Cost-benefit Analysis): \$1,652,754 in new tax revenue; \$18,787 in sales tax revenue related to construction; \$220,955 in sales tax revenue related to operating the Project Facility during the period of the proposed PILOT.
5. The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:
  - (a) In the Application, the Company's Application anticipates that the Project will create approximately 20 jobs (professional, managerial, semi-skilled and unskilled) in the first year of development, which is expected to be maintained through the second year of development. Upon completion of the Project, it is estimated that the anticipated employment at the Project will generate approximately \$1.9 million in wages annually.
  - (b) The construction phase of the Project is anticipated to create approximately 23 direct, on-site construction jobs and 12 indirect jobs. Combining direct and indirect impacts, the construction phase of the Project is expected to create 35 jobs that are expected to generate approximately \$2.9 million in wages. The Applicant has indicated that the majority of the construction jobs will be filled by local labor in compliance with the Agency's Local Labor Policy.
6. The estimated value of new tax exemptions to be provided: Real property tax exemption benefit of approximately \$2,395,955 (estimated per the Agency Cost-Benefit Analysis);

mortgage recording tax exemption of approximately \$212,310 (per the Application); and sales tax exemption benefit of approximately \$914,625 (per the Application).

7. The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions: The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions is positive. The existing assessments at the Project site will be paid in full for the first time in decades. The proposed PILOT Agreement will apply to the improvements made to the Project site and will result in an inflow of net revenue to the City, the County and the School District where today there is none. The development of the Project Facility is expected to result in local construction jobs, the creation of permanent jobs and the development of additional retail.

8. The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity: The impact of the Project is a positive one on the community. The area around the Project is deteriorated due the land included in the Project being contaminated and vacant.

9. The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement: \$26,300,000.

10. The effect of the Proposed Pilot Agreement on the environment: The Project is consistent with prior approvals for similar sites which previously determined that there would be no detrimental impact on the environment.

11. Project timing: Anticipated to be completed within two (2) years of the commencement date of approximately third or fourth quarter 2026.

12. Development/redevelopment impacts: The Project will bring a productive use to a vacant land with limited development options due to its contaminated state.

13. Type of development: The Project consists of the construction and development of one (1) new building on the Land totaling approximately 125,000 square feet for use as a warehouse distribution facility.

14. Creation of jobs: Upon its completion, the Project will bring approximately twenty-four (24) new direct and indirect permanent jobs to the surrounding area.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Policy) at the Public Hearing. The Agency would welcome any written comments that you might have on this proposed deviation from the Policy. In accordance with Section 874(4)(c) of the Act, prior to taking final action at the Public Hearing, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Public Hearing to address the Agency regarding the proposed deviation from the Agency's Uniform Tax Exemption Policy.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely,

\_\_\_\_\_, Chair  
City of Newburgh  
Industrial Development Agency



CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY

## Resolution No. 2024-10-21-03

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, 3rd Floor, Newburgh, New York October 21, 2024, at 6:00 o'clock p.m., local time.

The meeting was called to order by the Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Christina Amato  
Adam Pollick  
Gregory Nato  
Michael Nepl  
Alexandra Church  
Sharonda Powell  
Vickiana DeMora

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq., and	Agency Counsel
David Craft, Esq.	

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 2024-10-21-03

RESOLUTION AUTHORIZING THE CHAIR OR THE VICE CHAIR OR ANY OFFICER OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF 50-72 LIBERTY STREET LLC, AND TO SEND A LETTER TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAXING ENTITIES INFORMING THEM OF A PROPOSED DEVIATION FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED PROJECT.

WHEREAS, the City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act” or the “Act”) and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on August 16, 2024, 50-72 Liberty Street LLC (the “Company”), or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (those designated persons or entities included in the definition of the Company), submitted an application to the Agency (the “Application”), a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) the acquisition of an interest in parcels of real property consisting of approximately 1.344 acres located at 50-72 Liberty Street, Newburgh, New York (the “Land”), (2) the construction and improvement of a new mixed-use building on the Property totaling approximately 200,000 square feet consisting of market-rate housing, affordable housing, commercial retail space and a parking garage (collectively, the “Facility”), and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), (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 estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Company requests the following Financial Assistance: a) a thirty-two (32) year payment in lieu of tax agreement (“PILOT”) at an estimated value of Ten Million Seven Hundred Fifty-Eight Thousand Two Hundred Seventy-Five Dollars (\$10,758,275.00); b) an exemption from mortgage recording taxes at an estimated value of Six Hundred Fifty Thousand Dollars (\$650,000.00); and c) an exemption from New York State sales and compensating use taxes at an estimated value of One Million Three Hundred Fifty-Four Thousand One Hundred Sixty-Six and 67/100 Dollars (\$1,354,166.67); and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any “financial assistance” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any “financial assistance”, the Agency must obtain a written cost-benefit analysis of the Project, and

WHEREAS, the Agency has previously engaged a third-party municipal services firm, MRB Group, which assessed the Project and developed a written cost benefit analysis which identified the

following economic impact and benefits to the City of Newburgh from the Project: a) the construction phase of the Project will create 158 direct/indirect jobs that generate approximately \$7,366,595.00 in wages; b) the Project will result in 14 permanent jobs earning approximately \$660,000.00 in wages on an annual basis; c) Orange County will benefit from additional, one-time sales tax revenue of \$48,343.00 associated with construction wages earned during the construction phase and additional sales tax revenue of \$259,463.00 related to new wages earned from permanent jobs and additional sales tax revenue of \$752,512 related to new household spending; d) over the course of the 32 years, the Project will generate an increase of \$4,397,467.00 in additional property tax revenue on the current taxes for Orange County, the City of Newburgh, and the Newburgh Enlarged City School District; and

WHEREAS, in connection with the Application, the Company has made a request to the Agency (the "Pilot Request") to deviate from its Uniform Tax Exemption Policy (the "Policy") with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the "Proposed Pilot Agreement"); and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Policy provides that the real property tax abatements to be provided by the Agency shall apply only to the value added by an applicant's construction or renovation activities (i.e., the "improvements" made) to the existing parcel and improvements involved (the "Added Value"); and

WHEREAS, the comparison of the current Added Value of the Project to the proposed deviation from the Policy proposed by the Company are set forth below:

<b>PILOT TAX YEAR</b>	<b>PILOT PAYMENT DUE</b>	<b>APPROXIMATE PILOT ABATEMENT PERCENTAGE*</b>
1	\$108,750	31%
2	\$110,925	31%
3	\$113,144	31%
4	\$115,406	31%
5	\$117,714	31%
6	\$120,069	31%
7	\$122,470	31%
8	\$124,920	31%

9	\$127,418	31%
10	\$129,966	31%
11	\$132,566	31%
12	\$135,217	31%
13	\$137,921	31%
14	\$140,680	31%
15	\$143,493	31%
16	\$146,363	31%
17	\$149,290	31%
18	\$152,276	31%
19	\$155,322	31%
20	\$158,428	31%
21	\$161,597	31%
22	\$164,829	31%
23	\$168,125	31%
24	\$171,488	31%
25	\$174,918	31%
26	\$178,416	31%
27	\$181,984	31%
28	\$185,624	31%
29	\$189,336	31%
30	\$193,123	31%
31	\$196,986	31%
32	\$200,925	31%

\*Chart is for illustrative purposes only.

WHEREAS, pursuant to Section 858(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency; and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the request for a deviation from the Policy, the Agency must adopt a resolution setting forth, with respect to the proposed deviation: (a) the amount of the proposed Tax Exemption, (b) the amount and nature of the proposed PILOT, (c) indicating the reasons for the proposed deviation, and (d) whenever possible, provide the Affected Tax Jurisdictions prior written thirty (30) days' notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a and 874(4) of the Act with respect to the Project by scheduling a public hearing for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby induces the Project and authorizes the Chair, the Vice Chair or any Officer of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project (the "Public Hearing"); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act and shall be at least thirty (30) days prior to the date of such Public Hearing; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct or cause the holding of such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the "Report") to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. Having considered both the Application, the Pilot Request and the Policy, the Agency hereby authorizes the Chair, the Vice Chair or any Officer of the Agency, to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that (A) the Agency is considering a proposed deviation from the Policy with respect to the Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A); (B) soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation; and (C) inviting attendance of the of any representative of the Affected Tax Jurisdictions to attend the Public Hearing.

Section 3. The Chair, the Vice Chair and/or any Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. All action taken by the Chair, the Vice Chair and/or any Officer of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

Section 6. This Resolution shall take effect immediately.

DRAFT

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Christina Amato	VOTING	_____
Gregory Nato	VOTING	_____
Michael Nepl	VOTING	_____
Alexandra Church	VOTING	_____
Sharonda Powell	VOTING	_____
Vickiana DeMora	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

DRAFT

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF ORANGE         )

I, the undersigned Secretary of the City of Newburgh Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that

I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 21, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_ day of October 2024.

\_\_\_\_\_  
Secretary

(SEAL)



**EXHIBIT A**

NOTICE OF DEVIATION TO THE AFFECTED TAX JURISDICTIONS ISSUED IN ACCORDANCE  
WITH AGENCY RESOLUTION DATED OCTOBER 21, 2024

DRAFT

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
83 Broadway, Third Floor  
Newburgh, New York 12551-1298  
Tel: 845-569-7369

October \_\_\_\_, 2024

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

The Honorable Steven M. Neuhaus  
County Executive of Orange County  
Orange County Government Center  
255 Main Street  
Goshen, New York 10924

Jackielyn Manning Campbell.  
Superintendent of Schools  
Newburgh Enlarged School District  
124 Grand Street  
Newburgh, New York 12550

The Honorable Torrance Harvey, Mayor  
City of Newburgh  
83 Broadway  
Newburgh, New York 12551

Christine M. Bello, Board President  
Newburgh Enlarged School District  
124 Grand Street  
Newburgh, New York 12550

The Honorable Todd Venning, City  
Manager  
City of Newburgh  
83 Broadway  
Newburgh, New York 12551

The Honorable Giselle Martinez, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

The Honorable Ramona Monteverde,  
Council Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

The Honorable Robert Sklarz, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

**ADDRESSEES CONTINUED**

October \_\_, 2024

Page 2

The Honorable Patty Sofokles, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

The Honorable Robert McLymore, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

The Honorable Omar Shakur, Council  
Member, City of Newburgh  
83 Broadway  
Newburgh, New York 12550

RE: Proposed Deviation from Uniform Tax Exemption policy by the City of Newburgh Industrial Development Agency (“Agency”) in connection with its Proposed 50-72 Liberty Street LLC Project

Honorable Sirs and Madame:

This letter is delivered to you pursuant to Section 874(4)(b) of the General Municipal Law (the “Act”).

50-72 Liberty Street LLC, a New York limited liability company, or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (collectively, the “Company”), submitted an application to the Agency (the “Application”), a copy of which Application is on file at the office of the Agency and available at the Agency website (<https://www.cityofnewburgh-ny.gov/505/Industrial-Development-Agency-IDA>), requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) the acquisition of an interest in parcels of real property consisting of approximately 1.344 acres located at 50-72 Liberty Street, Newburgh, New York (the “Land”), (2) the construction and improvement of a new mixed use building on the Land totaling approximately 200,000 square feet consisting of market-rate housing, affordable housing, commercial retail space and a parking garage (collectively, the “Facility”), and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), (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 estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

At its regular meeting held on October 21, 2024, the Company made a request to the Agency (the “Pilot Request”) to enter into a payment in lieu of tax agreement (the “Proposed Pilot Agreement”) which terms deviate from the Agency Uniform Tax Exemption Policy (the “Policy”). (Capitalized terms not otherwise defined herein are defined in the Policy which can be viewed at <https://www.cityofnewburgh-ny.gov/industrial-development-agency/pages/ida-projects>.) At its October 21, 2024 regular meeting, the Agency approved a Public Hearing Resolution. The Public Hearing to consider the Project and the deviation from the Policy is scheduled for **November \_\_, 2024**.

Pursuant to Section 874(4) of the Act, and in accordance with the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must adopt a resolution setting forth, with respect to the proposed deviation: (a) the amount of the proposed Tax Exemption, (b) the

amount and nature of the proposed PILOT, and (c) indicating the reasons for the proposed deviation. At its regular meeting held on October 21, 2024, the Agency approved the issuance of this letter setting forth the reasons of the proposed deviation from the Policy as required by the Act and the Policy.

The Proposed Pilot Agreement would be for a term of up to 32 years, with the Company making the payments in each year as a Pilot Payment as follows:

[DRAFT - TO BE FINALIZED AFTER COMMENTS RECEIVED]

<b>PILOT TAX YEAR</b>	<b>PILOT PAYMENT DUE</b>	<b>APPROXIMATE PILOT PERCENTAGE*</b>
1	\$108,750	31%
2	\$110,925	31%
3	\$113,144	31%
4	\$115,406	31%
5	\$117,714	31%
6	\$120,069	31%
7	\$122,470	31%
8	\$124,920	31%
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13	\$137,921	31%
14	\$140,680	31%
15	\$143,493	31%
16	\$146,363	31%
17	\$149,290	31%
18	\$152,276	31%
19	\$155,322	31%

20	\$158,428	31%
21	\$161,597	31%
22	\$164,829	31%
23	\$168,125	31%
24	\$171,488	31%
25	\$174,918	31%
26	\$178,416	31%
27	\$181,984	31%
28	\$185,624	31%
29	\$189,336	31%
30	\$193,123	31%
31	\$196,986	31%
32	\$200,925	31%

\*For illustrative purposes only.

The purpose of this letter is to inform you of (i) the Pilot Request, (ii) the proposed deviation from the Policy, and (iii) that the Agency is considering whether to grant the Pilot Request and to approve a Proposed Pilot Agreement conforming to the terms of the Pilot Request. The Agency expects to consider whether to approve the terms of the Proposed Pilot Agreement at the Public Hearing. The Public Hearing will also serve as the initial Public Hearing so that the Agency can hear comments from the public on the proposed financial assistance being considered for the Project. You are encouraged to submit written comments to the Agency prior to or at the hearing date on **November \_\_, 2024**. This letter is forwarded to you for purposes of complying with Section 874 of the Act and the Policy, which requires notice prior to the Agency taking final action with respect to the Proposed Pilot Agreement (if said Proposed Pilot Agreement may deviate from the provisions of the Policy).

The Agency has considered the following factors in considering the proposed deviation from the Policy:

1. The nature of the Project: construction and improvement of one (1) new mixed-use building on the Land totaling approximately 200,000 square feet consisting of market-rate housing, affordable housing, commercial retail space and a parking garage.
2. The present use of the property: vacant land. The proposal would transform this vacant land into a vibrant mixed-use property bringing housing, jobs and tax revenue to the City.

3. The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area: At the time of the filing of the Application, the economic condition of the area in which the Project Facility is to be located is distressed.

4. New revenue from development of the Project is projected to be (in accordance with the Agency Cost-benefit Analysis): \$4,397,467 in new real property tax revenue; \$48,343 in sales tax revenue related to construction; \$259,463 in sales tax revenue related to operating the Project Facility during the period of the proposed PILOT; \$15,628 in annual sales tax revenue related to new household spending or \$752,512 over the life of the proposed PILOT.

5. The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:

(a) In the Application, the Company's anticipates two jobs associated with the residential management of the Project earning an annual average salary of \$75,000. The Company also anticipates 6-18 full-time and part-time jobs at the commercial units, generating an average salary of \$42,500 annually. The average new jobs is anticipated to be 14 (professional, managerial, semi-skilled and unskilled), which are expected to be maintained through duration of the proposed PILOT. Upon completion of the Project, it is estimated that the anticipated employment at the Project will generate approximately \$660,000 in wages annually and \$2.1 million in sales tax revenues.

(b) The construction phase of the Project is anticipated to create approximately 148 direct, on-site construction jobs and 10 indirect jobs. Combining direct and indirect impacts, the construction phase of the Project is expected to create 158 jobs that are expected to generate approximately \$6,700,000.00 in wages and more that \$17 million in sales tax revenue. The Applicant has indicated that the majority of the construction jobs will be filled by local labor in compliance with the Agency's Local Labor Policy.

6. The estimated value of new tax exemptions to be provided: Real property tax exemption benefit of approximately \$10,758,000 (estimated per the Agency Cost-Benefit Analysis); mortgage recording tax exemption of approximately \$650,000 (per the Application); and sales tax exemption benefit of approximately \$1,354,166.67 (per the Application).

7. The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions: The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions is positive. The existing assessments at the Project site will be paid in full. The proposed PILOT Agreement will apply to the improvements made to the Project site and will result in an inflow of net revenue to the City, the County and the School District where today there is none. The development of the Project Facility is expected to result in local construction jobs, the creation of permanent jobs and the development of additional retail.

8. The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity: The impact of the Project is a positive one on the community. The area around the Project is deteriorated due the land included in the Project being contaminated and vacant.

9. The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement: \$74,273,933.

10. The effect of the Proposed Pilot Agreement on the environment: The Project is consistent with housing and retail improvements for similar sites and it is anticipated that there will be no detrimental impact on the environment.

11. Project timing: Anticipated to be completed within two (2) years of the commencement date of approximately fourth quarter 2026.

12. Development/redevelopment impacts: The Project will bring a productive use to a vacant land.

13. Type of development: The Project consists of the construction and development of one (1) new building on the Land totaling approximately 200,000 square feet for market-rate and affordable housing and commercial retail uses.

14. Creation of jobs: Upon its completion, the Project will bring approximately eight (8) new permanent jobs to the surrounding area.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Policy) at the Public Hearing. The Agency would welcome any written comments that you might have on this proposed deviation from the Policy. In accordance with Section 874(4)(c) of the Act, prior to taking final action at the Public Hearing, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Public Hearing to address the Agency regarding the proposed deviation from the Agency's Uniform Tax Exemption Policy.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely,

\_\_\_\_\_, Chair  
City of Newburgh  
Industrial Development Agency

CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2024-10-21-04

**RESOLUTION DETERMINING THAT THE ACTION TO UNDERTAKE A PROJECT FOR THE BENEFIT OF IV5 NEWBURGH SOUTH LOGISTICS CENTER LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, 3rd Floor, Newburgh, New York on October 21, 2024 at 6:00 o’clock p.m., local time.

The meeting was called to order by the Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Christina Amato  
Gregory Nato  
Michael Nepl  
Alexandra Church  
Vickiana DeMora  
Sharonda Powell

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq. and David Craft, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:



RESOLUTION DETERMINING THAT THE ACTION TO UNDERTAKE A PROJECT FOR  
THE BENEFIT OF IV5 NEWBURGH SOUTH LOGISTICS CENTER LLC WILL NOT HAVE  
A SIGNIFICANT EFFECT ON THE ENVIRONMENT

WHEREAS, City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act” or the “Act”) and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on October 11, 2023, IV5 Newburgh South Logistics Center LLC, a Delaware limited liability company, or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (collectively, the “Company”), submitted an application to the Agency, which application has been updated and amended by the Company prior to this meeting (collectively, the “Application”), a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) the acquisition of an interest in a parcel of real property consisting of approximately 49.60 acres located at 700 South Street, Newburgh, New York (the “Land”), (2) the construction and improvement of a new warehouse distribution building on the Land totaling approximately 416,320 square feet (the “Facility”), and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), (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 estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the New York 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, at 6 NYCRR Part 617 (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency has been informed that (1) the City of Newburgh Planning Board (the “Planning Board”) declared itself to act as “lead agency” for a “coordinated review” of a

“Type 1 Action” with respect to the Project on December 21, 2021, (2) the Planning Board exercised due diligence in identifying other “involved agencies” known at that time; and (3) the Planning Board issued a Determination of Significance through the issuance of a Negative Declaration issued on May 16, 2023; and affirmed on July 18, 2023 (the “Negative Declaration”), attached hereto as Exhibit A, determining that the acquisition, reconstruction, renovation and installation of the Project Facility will not have any significant adverse environmental impacts; and

WHEREAS, the Agency is an “involved agency” with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that no environmental impact statement need to be prepared with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the submitted materials to the Lead Agency, including (i) the completed and filed Part 1 of the Full Environmental Assessment Form (“EAF”) as completed by the National Builders South, LP, the prior Project sponsor before the Company acquired control of the Project in July of 2023, (ii) Parts 2 and 3 of the EAF as completed by the Planning Board, and (iii) the Negative Declaration (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as “lead agency” with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to the SEQRA and, therefore, that an environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The Chairperson, any Vice Chairperson and/or Executive Director of the Agency is hereby directed to (A) send a copy of this Resolution to the chief executive officer of the City of Newburgh, New York; (B) send a copy of this Resolution to the Lead Agency; (C) send a copy of this Resolution to each entity identified by the Agency as an “involved agency” with respect to the Project (as such quoted term is used in SEQRA), (D) send a copy of this Resolution to the Company; (E) send a copy of this Resolution to each other person who has requested a copy of same, and (F) place a copy of this Resolution in the files of the Agency that are readily accessible to the public and made available on request.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Christina Amato  
Gregory Nato  
Michael Nepl  
Alexandra Church  
Vickiana DeMora  
Sharonda Powell

VOTING  
VOTING  
VOTING  
VOTING  
VPTING  
VOTING

The foregoing Resolution was thereupon declared duly adopted.

DRAFT

STATE OF NEW YORK    )  
  ) SS.:  
COUNTY OF ORANGE    )

I, the undersigned, Secretary of the City of Newburgh Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 21, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_ day of October 2024.

\_\_\_\_\_  
Secretary

(SEAL)

DRAFT

EXHIBIT A

Negative Declaration

DRAFT

**CITY OF NEWBURGH  
PLANNING BOARD**

**Lisa Daily, Chairperson  
J.K. Gentile, Secretary**

123 Grand Street, Newburgh, New York

Phone: (845) 569-7401 Fax: (845) 569-7435

**RESOLUTION OF THE CITY OF NEWBURGH PLANNING BOARD**

**LET IT BE RESOLVED**

At the Planning Board meeting held on July 18, 2023, the City of Newburgh Planning Board hereby moves to approve the following Site Plan, wherein the Applicant proposes to construct a warehouse on vacant land (Warehouse).

Index No.	2021-18
Applicant's Name	National Builders South, LP (by Jack Baker)
Property Owner	Atkemix Thirty-Seven Inc.
Property Address	700 South Street (f/k/a 700-768 South Street) (SBL 5-1-1)

**LET IT BE FURTHER RESOLVED**

That the above-referenced application includes a Land Development Application (form LDA01) (8 pages) received October 8, 2021; updated January 3, 2022 (8 pages), and is supported with the following documents:

1. Land Development Application – Site Plan (form PB01) (4 pages), received October 8, 2021;
2. Site Plan (18 pages), received October 11, 2021; updated July 8, 2022 (23 pages), September 9, 2022 (23 pages), March 10, 2023 (28 pages), July 7, 2023 (21 pages);
3. Federal Consistency Assessment Form (3 pages), received July 8, 2022;
4. Boundary Survey (1 page), received December 10, 2021;
5. Survey (1 page), received April 14, 2022;
6. Full EAF, part I (15 pages), received December 10, 2021, updated July 8, 2022 (15 pages), May 15, 2023 (15 pages);
7. Full EAF, part I Supplement (34 pages), received October 11, 2021;
8. Stormwater Pollution Prevention Plan (SWPPP) (212 pages), received December 10, 2021; updated May 5, 2023 (210 pages);
9. Water Supply and Wastewater Disposal Report (20 pages), received May 5, 2023;
10. Wetland and Stream Delineation Report (35 pages), received May 25, 2022;

11. Traffic Study (192 pages), received May 25, 2022;
12. Complete Streets Checklist (2 pages), received July 8, 2022;
13. Applicant Response Letter (10 pages), received December 10, 2021, updated July 8, 2022 (17 pages), March 10, 2023 (64 pages), and July 7, 2023 (11 pages, plus attachment and exhibit references);
14. Applicant Response Letter to the New York State Department of Transportation (“DOT”) (9 pages), dated July 28, 2022;
15. Comments of the Conservation Advisory Council (2 pages), dated December 20, 2021;
16. Comments of the New York State Department of Environmental Conservation (“DEC”) (3 pages), dated May 17, 2022; updated April 13, 2023 (14 pages);
17. DEC Site Management Plan (42 pages), received July 8, 2022;
18. Comments of the New York State DOT (1 page), dated February 22, 2023;
19. Informational Inspection Report of the Building Inspector (3 pages), dated May 10, 2021;
20. Comments of the City Planner (3 pages), dated October 19, 2021; revised December 17, 2021 (4 pages), June 21, 2022 (5 pages), July 19, 2022 (4 pages), September 20, 2022 (7 pages), March 21, 2023 (8 pages), May 16, 2023 (10 pages), July 18, 2023 (11 pages); and
21. Comments of the City Engineer (5 pages), dated October 19, 2021; revised December 17, 2021 (8 pages), June 21, 2022 (9 pages), July 19, 2022 (13 pages), September 20, 2022 (13 pages), March 21, 2023 (16 pages), May 16, 2023 (16 pages), July 18, 2023 (17 pages).

#### **LET IT BE FURTHER RESOLVED**

That the Planning Board makes the following findings:

1. The Planning Board has jurisdiction to review and approve the application.
2. The Applicant made an application to the Planning Board for Site Plan approval to construct a warehouse on vacant land (Warehouse). The Applicant filed a Land Development Application and various exhibits in a manner and form acceptable to the City Engineer, City Planner, and Planning Board. The Application and subsequent submissions were reviewed by the Planning Board and made available to the public.
3. The subject property is located in the Industrial (I) zone.
4. The proposed use is allowed pending Site Plan approval from the Planning Board.
5. The Planning Board first reviewed the application materials for the completeness on October 19, 2021. The Planning Board deemed the application substantially complete on July 18, 2023.
6. The Planning Board, pursuant to City Code Section 300-90, waived a public hearing at its regular meeting on December 21, 2021.

7. The action is a Type I action pursuant to the State Environmental Quality Review Act (“SEQRA”). The Applicant completed and filed Part I of the Full EAF, pursuant to the State Environmental Quality Review Act (“SEQRA”). The Planning Board completed Parts 2 and 3 of the Full EAF. The Planning Board declared its intent to act as Lead Agency for environmental review on October 19, 2021. The Planning Board declared itself as the Lead Agency for the environmental review of the Project pursuant to 6 NYCRR 617.6 on December 21, 2021. The Applicant consented waived any deadline for the Planning Board to make a SEQRA determination on December 21, 2021. The Planning Board determined, based upon an examination of the Full EAF and other available supporting information and considering the magnitude and importance of each area of environmental concern, and based on the City's knowledge of the location of the Project, that the granting of the application would not have a significant adverse environmental impact, would not require the preparation of a Draft Environmental Impact Statement. The Planning Board further found no areas of potentially large impact of environmental concern that cannot be mitigated, and as such, issued a Negative Declaration pursuant to SEQRA with respect to the impact of the Project upon the environment on May 16, 2023. Copies of the Full EAF parts 1, 2 and 3 are attached as Exhibit A.
8. The Planning Board found that the City of Newburgh Zoning Board of Appeals approved necessary area variances for the project on June 27, 2023.
9. The Planning Board found, based on a review of the materials submitted, representations made by the Applicant, and discussions had at the Planning Board meetings, that the Site Plan should be approved as submitted, subject to conditions as articulated below.

#### **LET IT BE FURTHER RESOLVED**

That the Applicant’s approval is subject to the following conditions:

1. The Applicant shall satisfy all comments set forth in the Informational Inspection Report of the Building Inspector, dated May 10, 2021;
2. The Property Owner shall grant easements in recordable form, acceptable to both the City and the Orange County Clerk, in favor of the City of Newburgh as depicted on the most recent Site Plan submission;
3. The Applicant shall comply with any requirements issued by the NYSDEC, including but not limited to the SMP, related to the property;
4. The Applicant shall comply with any requirements issued by the NYSDOT, including but not limited to highway work permits, related to the property;
5. The Applicant shall satisfy all comments set forth in the Comment Letter of the City Planner, dated July 18, 2023; and



5. The Applicant shall satisfy all comments set forth in the Comment Letter of the City Planner, dated July 18, 2023; and
6. The Applicant shall satisfy all comments set forth in the Comment Letter of the City Engineer, dated July 18, 2023.

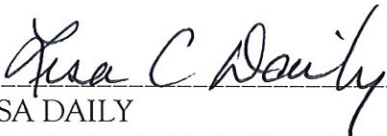
Planning Board Votes (Index No. 2021-18)

Moved by: Sarah Hooff

Seconded by: Michael Kelly

	Aye	Nay	Abstain
Lisa Daily, Chairperson	✓	_____	_____
Michael Kelly, Member	✓	_____	_____
Sarah Hooff, Member	✓	_____	_____
Alicia Ware, Member	✓	_____	_____
Duane Ware, Member	✓	_____	_____
Weaver Debe, Member	Absent		
Acre Qui, Member	Absent		

Dated: July 18, 2023

  
 \_\_\_\_\_  
 LISA DAILY  
 CHAIRPERSON, CITY PLANNING BOARD

ATTENTION APPLICANTS

FURTHER COMPLIANCE WITH THE NEWBURGH ZONING ORDINANCE REMAINS YOUR RESPONSIBILITY. SITE PLAN APPROVAL BY THE PLANNING BOARD IS NOT THE EQUIVALENT OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY, BOTH OF WHICH CAN ONLY BE SECURED THROUGH THE CITY OF NEWBURGH DEPARTMENT OF CODE COMPLIANCE.

*Full Environmental Assessment Form  
Part 1 - Project and Setting*

**Instructions for Completing Part 1**

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: National Realty Newburgh Warehouse		
Project Location (describe, and attach a general location map): 700 South Street, Newburgh, NY		
Brief Description of Proposed Action (include purpose or need): National Realty & Development Corp is examining a site located on South Street in the City of Newburgh, Orange County, New York (herein referred to as "project site"), for design and construction of a proposed warehouse facility. The current building program proposes a single-story, approximately 416,320 square foot (sf) warehouse, with approximately 5,000 sf dedicated to office space.		
Name of Applicant/Sponsor: National Builders South, LP c/o National Realty & Development		Telephone: 914-272-8033, Brian Sekel
		E-Mail: brian.sekel@nrdc.com
Address: 3 Manhattanville Road		
City/PO: Purchase	State: NY	Zip Code: 10577
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Atkemix Thirty-Seven Inc - Stauffer Management Company LLC		Telephone: 302-886-8033, John-Paul Rossi
		E-Mail:
Address: 1800 Concord Pike		
City/PO: Wilmington/PO Box 15437	State: DE	Zip Code: 19850

PB2021.18  
Recd. 5/12/23  
For PB mtg 5/16/23



**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Planning Board- Site plan approval	08/20/21
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Zoning Board- Area variances for parking count	TBD
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Water and Sewer Department- Sewer and water connections	TBD
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Referal to county planning- GML239M	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC SPDES- General Permit GP-0-20-001 NYSDOT Highway Work Permit	07/08/22
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		TBD
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): Remediaton Sites:336009	
<u>Northwestern Industrial Commercial campus opportunity area</u>	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

Industrial District

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Newburgh Enlarged City School District 331100

b. What police or other public protection forces serve the project site?

Newburgh Police Department

c. Which fire protection and emergency medical services serve the project site?

City of Newburgh Fire Department

d. What parks serve the project site?

Downing Park, Schleiremacher Park, Delano-Hitch Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial/Commerical

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 49.6 acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ 29 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 49.6 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ 9 months

ii. If Yes:

• Total number of phases anticipated \_\_\_\_\_

• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_



f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 1  
 ii. Dimensions (in feet) of largest proposed structure: 31' height; 320' width; and 1300' length  
 iii. Approximate extent of building space to be heated or cooled: 416,320 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: Stormwater treatment and detention  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify:  
Stormwater runoff  
 iii. If other than water, identify the type of impounded/contained liquids and their source.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: 0.53 million gallons; surface area: 0.62 acres  
 v. Dimensions of the proposed dam or impounding structure: 4' height; 248' length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  
Excavation and earth fill

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe, \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 3,696 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: City of Newburgh
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

• Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

• Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 3,696 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: City of Newburgh Wastewater Treatment Plant
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No



<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? If Yes:  <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul> </li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul> <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p> <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?      _____ Square feet or <u>19.77</u> acres (impervious surface)      _____ Square feet or <u>49.6</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Pavement and roofing.</u></p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  <u>On-site storm water management facilities discharging to Gidneytown Creek</u></p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____  <u>Gidneytown Creek</u></li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?</p> <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No  
 If Yes:  
 i. Estimate methane generation in tons/year (metric): \_\_\_\_\_  
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No  
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_  
 \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No  
 If Yes:  
 i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_  
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 230 truck trips per day  
 iii. Parking spaces: Existing \_\_\_\_\_ 0 \_\_\_\_\_ Proposed \_\_\_\_\_ 154 \_\_\_\_\_ Net increase/decrease \_\_\_\_\_ 154  
 iv. Does the proposed action include any shared use parking?  Yes  No  
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_  
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No  
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No  
 \* Two (2) electric vehicle charging stations are provided.  
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No  
 If Yes:  
 i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 TBD  
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
 Central Hudson  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.  
 i. During Construction:  
 • Monday - Friday: \_\_\_\_\_ 7am-6pm \_\_\_\_\_  
 • Saturday: \_\_\_\_\_ 7am-6pm \_\_\_\_\_  
 • Sunday: \_\_\_\_\_ N/A \_\_\_\_\_  
 • Holidays: \_\_\_\_\_ N/A \_\_\_\_\_  
 ii. During Operations:  
 • Monday - Friday: \_\_\_\_\_ 24 hours \_\_\_\_\_  
 • Saturday: \_\_\_\_\_ 24 hours \_\_\_\_\_  
 • Sunday: \_\_\_\_\_ 24 hours \_\_\_\_\_  
 • Holidays: \_\_\_\_\_ \_\_\_\_\_



m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:  
*i.* Provide details including sources, time of day and duration:  
 Temporary noise above local ambient levels may occur during construction activities, which will be limited to the hours of 7 AM to 6 PM. Noise generated by operation of the facility is expected to be similar to noise generated by other nearby manufacturing and distribution facilities.

*ii.* Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:  
*i.* Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 Lighting will include 15' tall 115W; 15' tall 106W; 15' tall 212W; 30' tall 115W, and 25' tall 106W. Refer to photometric plan for light levels and locations

*ii.* Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: Some tree clearing will occur

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:  
*i.* Product(s) to be stored \_\_\_\_\_  
*ii.* Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
*iii.* Generally, describe the proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:  
*i.* Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*ii.* Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:  
*i.* Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

*ii.* Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

*iii.* Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)
- Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

\_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.03	19.54	+19.51
• Forested	17.48	9.74	-7.74
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	24.88	14.26	-10.62
• Agricultural (includes active orchards, field, greenhouse etc.)	0.00	0.00	0.00
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.77	1.39	+0.62
• Wetlands (freshwater or tidal)	2.35	2.35	0.00
• Non-vegetated (bare rock, earth or fill)	0.00	0.00	0.00
• Other Describe: Gravel	1.77	0.00	-1.77



c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: NYS Superfund Site (336009) Class 4 inactive hazardous waste disposal site & closed Site landfill  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
Project is south of closed landfill. See Site Plan.  
iii. Describe any development constraints due to the prior solid waste activities:  
Commercial/industrial use only, no use of groundwater without treatment, maintain landfill cap, site disturbance must follow Site Management Plan

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
Methyl Ethyl Ketone, PCBS, Slurry wastes with lead based paints, Incinerator ash, and Methyl Isobutyl Ketone. Time period 1910-1979

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 336009  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): E336074, V00117, 336009, 336063, C336085  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
The site was remediated under the NYSDEC State Superfund Program. As the site has remaining contamination, the site owner must comply with continuing monitoring, maintenance, and reporting. Reuse of the site is restricted to commercial and industrial use only. Any work must be performed in compliance with the Site Management Plan. The north landfill cap must be maintained, and groundwater may not be used without treatment.



v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: 336009
- Describe the type of institutional control (e.g., deed restriction or easement): Easement, No disturbance of closed landfill area
- Describe any use limitations: No residential development
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

Project development will take place outside the limits of the closed landfill area.

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 0'-5' feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ < 1% %

c. Predominant soil type(s) present on project site:

<u>Swartswood &amp; Mardin soils</u>	<u>37</u> %
<u>Urban Land</u>	<u>28</u> %
<u>Udorthents, Smoothed</u>	<u>17</u> %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 0.40 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 53 % of site  
 Moderately Well Drained: \_\_\_\_\_ 5 % of site  
 Poorly Drained \_\_\_\_\_ 42 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 90 % of site  
 10-15%: \_\_\_\_\_ 5 % of site  
 15% or greater: \_\_\_\_\_ 5 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

**h. Surface water features.**

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 862-215 Classification C
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway? Note: Proposed development does not enter the floodway  Yes  No

j. Is the project site in the 100-year Floodplain? Note: Proposed development does not enter the 100-yr floodplain  Yes  No

k. Is the project site in the 500-year Floodplain? Note: Proposed development does not enter the 500-yr floodplain  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:  
 i. Name of aquifer: Principal Aquifer



<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>No predominant species found _____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: Hudson River (Scenic River)

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ 3 miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

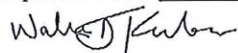
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

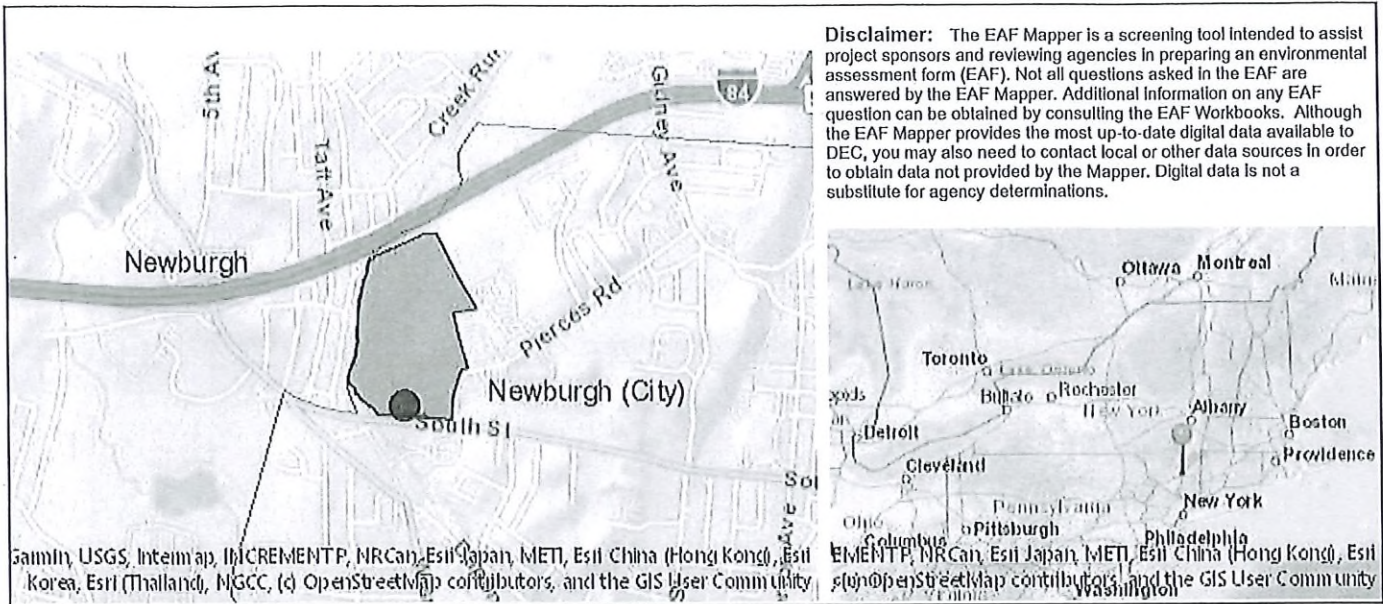
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name National Builders South, LP Date 05/12/2023



Signature Walter Kubow, PE, LaBella (as agent of applicant) Title Senior Civil Engineer, Team Leader





B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:336009
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	336009
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	E336074, V00117, 336009, 336063, C336085
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-215
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters

E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



Figure 1

Map showing location of the Project Site (shown in red).

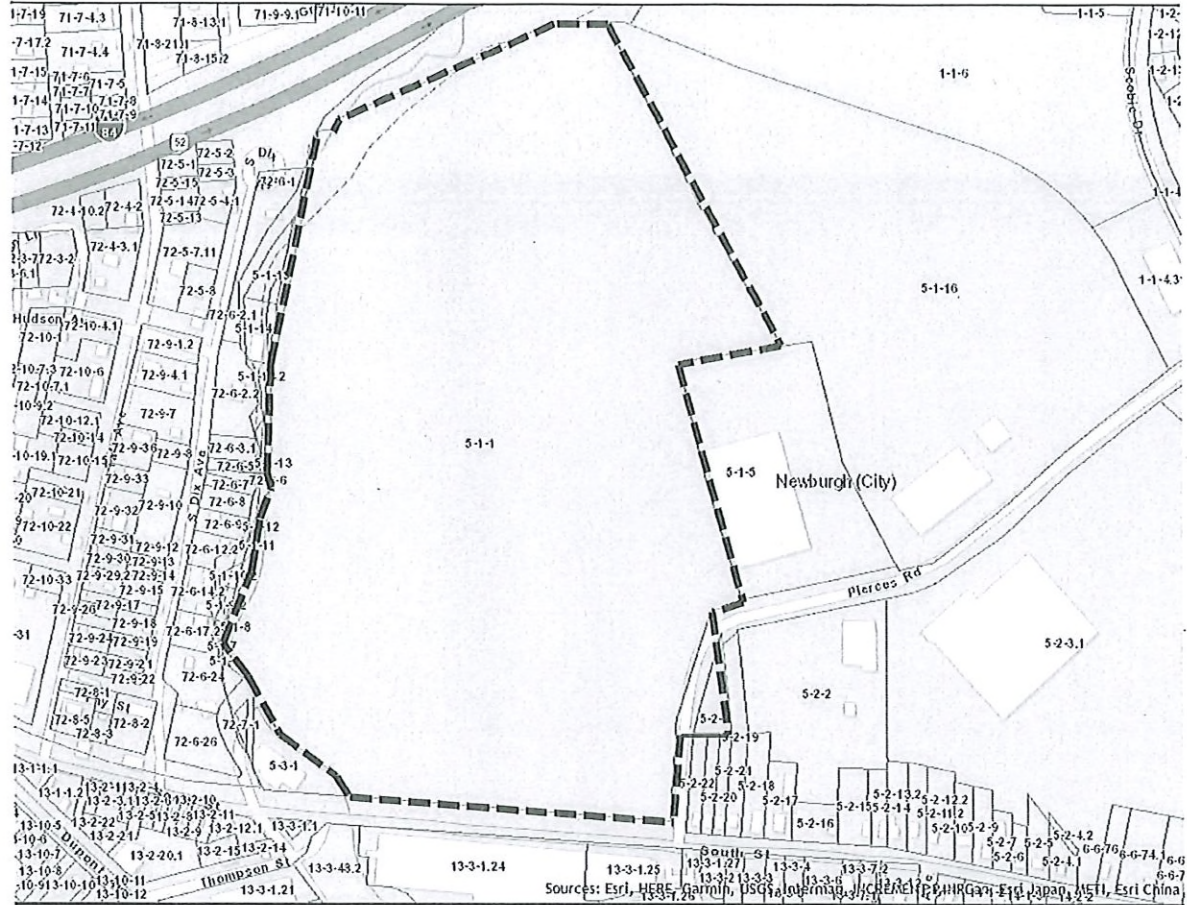


Figure 2

A portion of the City of Newburgh Zoning Map showing the zoning district for the Project Site as well as the Waterfront Protection Overlay.

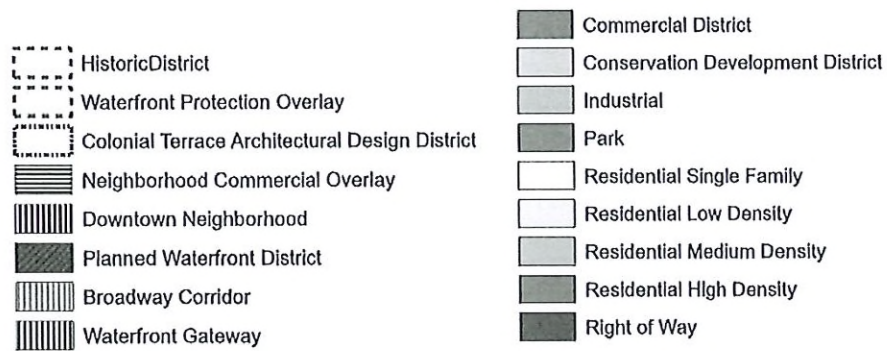
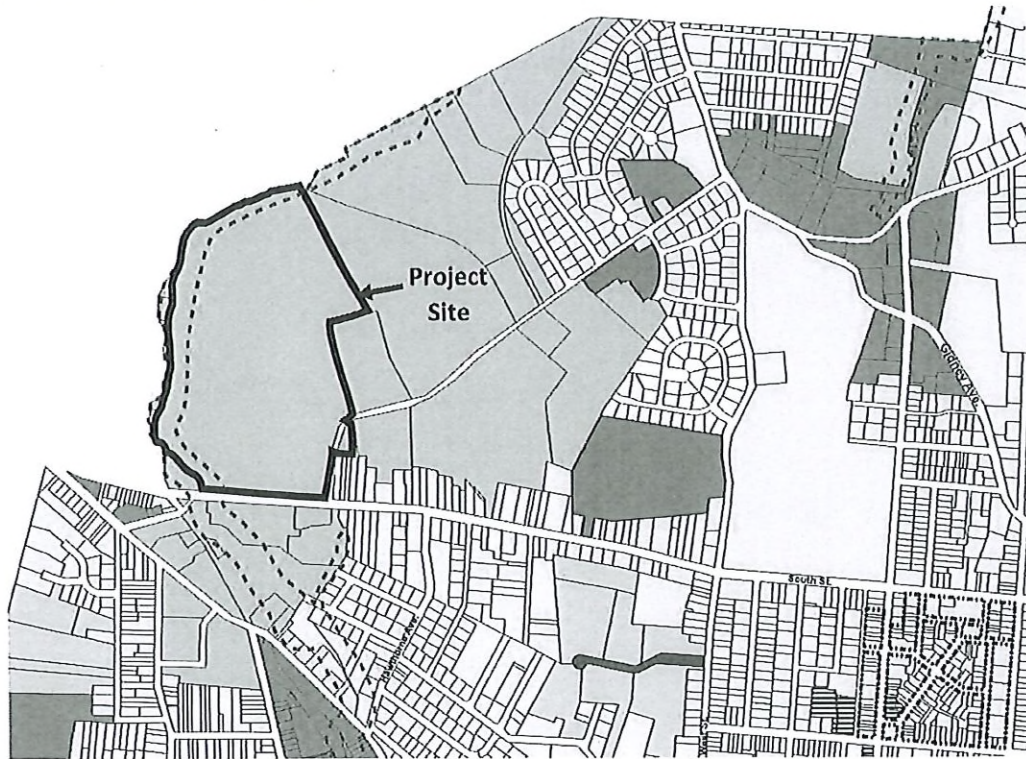
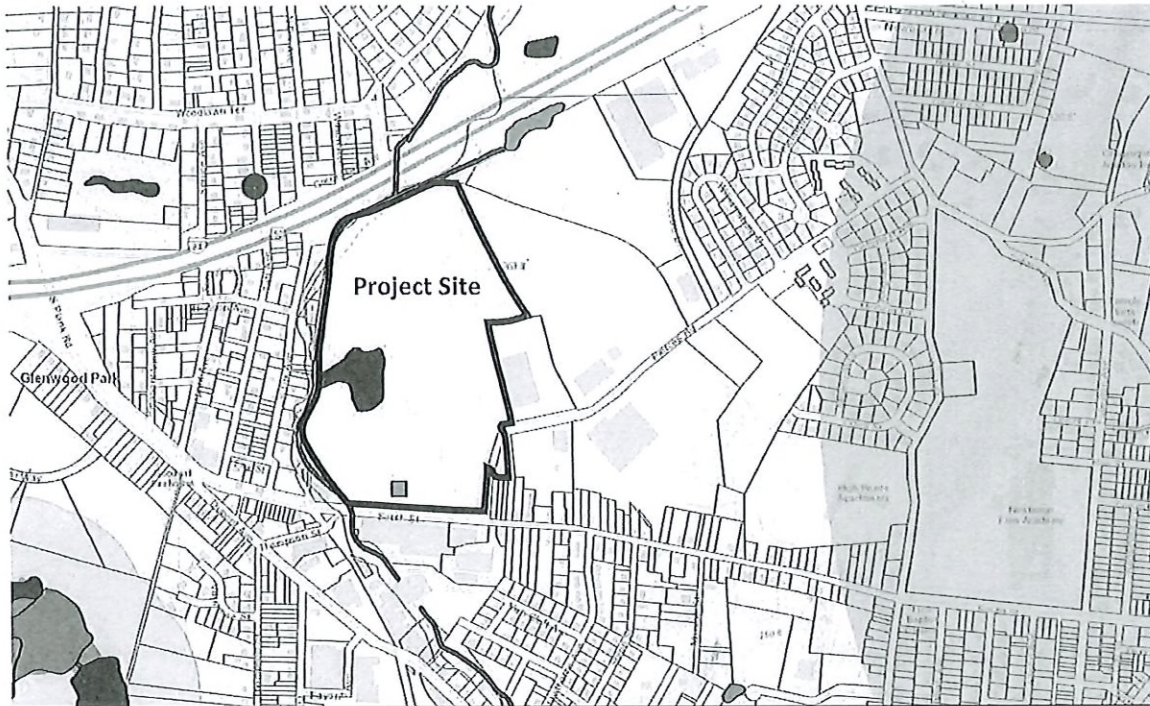




Figure 3

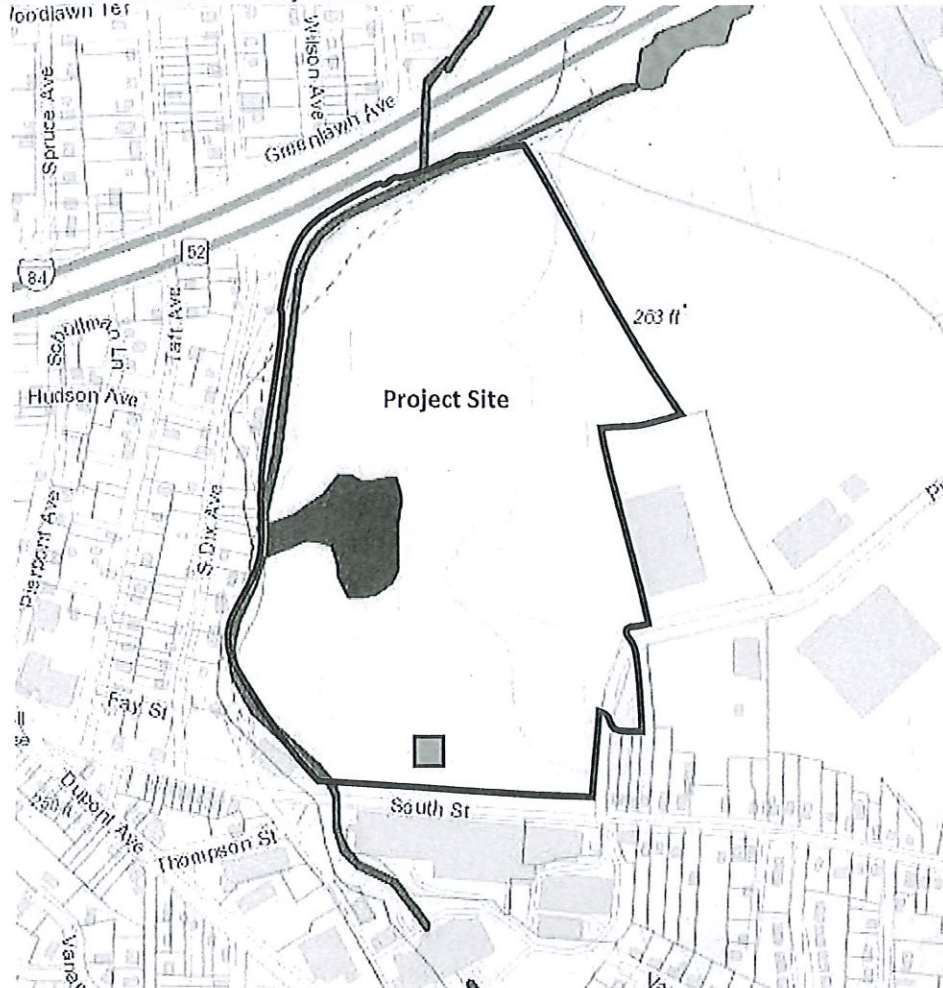
NYSDEC Environmental Resource Mapper showing the location of wetlands, watercourses, and waterbodies on and around the Project Site, and the general location of rare plants and animals on and around the Project Site.



- Waterbody Classifications for Rivers/Streams
- Waterbody Classifications for Lakes
- State Regulated Freshwater Wetlands (Outside of the Adirondack Park)
- Significant Natural Communities
- Natural Communities Near This Location
- Rare Plants or Animals

Figure 4

USFWS National Wetland Inventory Mapper showing the location of wetlands, watercourses, and waterbodies on and around the Project Site.



LEGEND

- Wetlands**
- Estuarine and Marine Deepwater
  - Estuarine and Marine Wetland
  - Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
  - Freshwater Pond
  - Lake
  - Other
  - Riverine



Figure 5

NYS CRIS mapper identifying national and state historic registry sites, archaeologically sensitive areas, and the locations where archaeological surveys and consultation projects have occurred on or around the Project Site.



**USN Building Points (View)**

- Eligible
- Listed
- Not Eligible
- Not Eligible - Demolished
- Undetermined

**National Register Building Sites (View)**



**Consultation Projects (View)**



**Survey Archaeology Areas (View)**

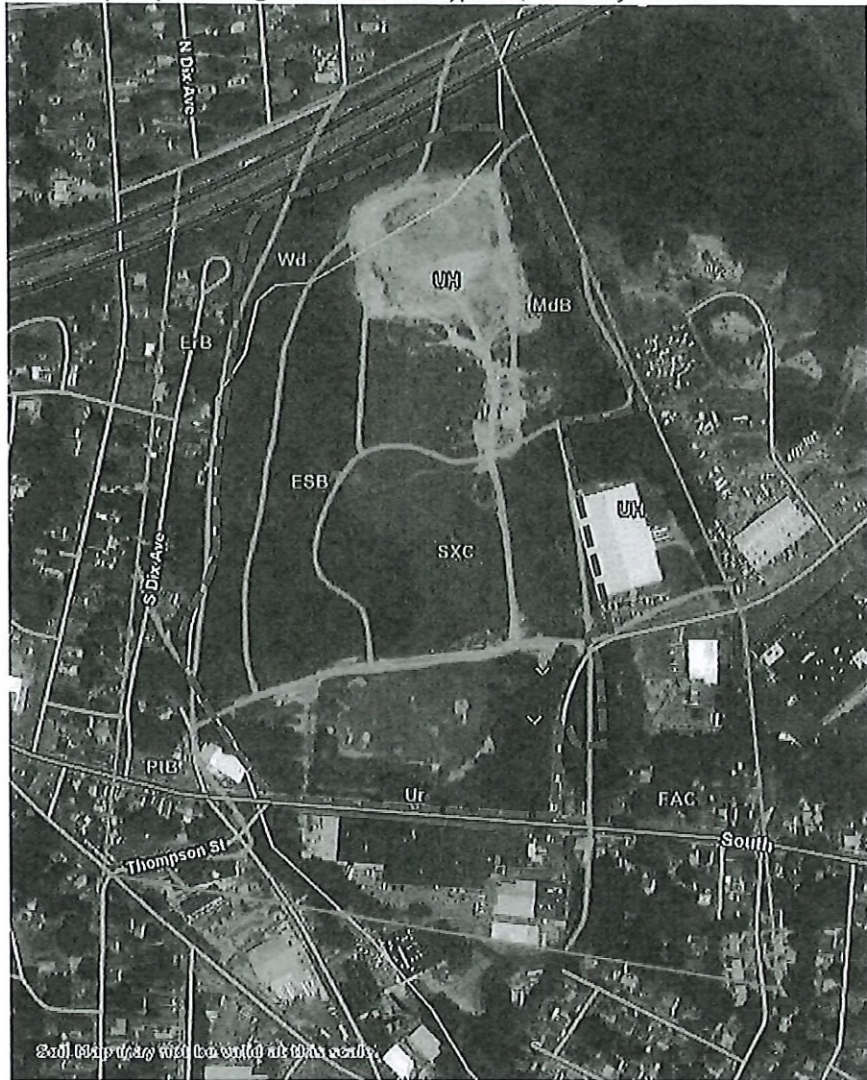


**Archeologically Sensitive Areas**



Figure 6

USDA NRCS Soil Survey map showing location of soil types on the Project Site.



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
ErB	Erie gravelly silt loam, 3 to 8 percent slopes	9.1	8.0%
ESB	Erie extremely stony soils, gently sloping	8.1	7.9%
FAC	Farrington silt loam, sloping	14.1	13.8%
MdB	Mardin gravelly silt loam, 3 to 8 percent slopes	5.1	5.0%
PIB	Pillsfield gravelly loam, 3 to 6 percent slopes	5.0	4.9%
SXC	Swartswood and Mardin soils, sloping, very stony	11.3	11.1%
UH	Udorthents, smoothed	17.1	16.8%
Ur	Urban land	22.1	21.6%
Wd	Wayland soils complex, non-calcareous substratum, 0 to 3 percent slopes, frequently flooded	10.2	10.0%
<b>Totals for Area of Interest</b>		<b>102.0</b>	<b>100.0%</b>



**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project :	2021-18
Date :	July 18, 2023

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>



**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>



1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>		

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>		
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>		



g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>



<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>



**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b>			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			



**17. Consistency with Community Plans**  
 The proposed action is not consistent with adopted land use plans.  
 (See Part 1. C.1, C.2. and C.3.)  
*If "Yes", answer questions a - h. If "No", go to Section 18.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  
 (See Part 1. C.2, C.3, D.2, E.3)  
*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**



Project Number: PB 2021-18  
Property Address: 700 South Street (f/k/a 700-768 South Street)  
Date of Action: May 16, 2023  
Supplement to SEQRA Full EAF, Section III

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The applicant for the project proposes to construct a 416,320 square foot warehouse on vacant land (Warehouse).

The entire parcel size is 49.60 acres. The parcel is what is/was commonly known as the Dupont-Stauffer Landfill, which was previously classified as a State Superfund Site. Cleanup activities were performed by Stauffer Management Company, LLC and E.I. DuPont deNemours and Company with oversight provided by NYSDEC. Following site cleanup, NYSDEC reclassified the site from Class 2 (significant threat to public health or environment - action required) to Class 4 (site properly closed – requires continued management). Thus, the property is subject to an ongoing and Site Management Program (“SMP”) overseen by the NYSDEC.

The Planning Board found there was significant participation from both the NYSDEC and NYSDOT in terms of plan review and comment for purposes of mitigating environmental concerns and impacts. The Planning Board found that many NYSDEC concerns were either addressed in the course of Site Plan revisions or will be addressed with compliance with the SMP. The Planning Board found that NYSDOT and traffic concerns were addressed after review of a traffic study and incorporation of traffic mitigation measures into the Site Plan. Further, any proposed work will require compliance with NYSDOT work permits by virtue of the project’s location to South Street.

The project will not disturb any plant or animal species in a significant manner. The project will require energy and other resources to attain compliance with State and Local building code regulations. However, this usage will be short term in nature and in line with construction projects of this type.

The project acknowledges the prohibition of groundwater discharge into the Gidneytown Creek, and the project does not propose any such discharges. Surface water runoff will be managed through the implementation of an acceptable SWPPP.

On-site parking is proposed for the project, but at a level that is approximately one-third of the required on-site parking for the requirements in the applicable zone. The project also proposes to install sidewalks on South Street, end-to-end of the property line, in order to further promote pedestrian traffic. There are/will be sufficient and adequate parking options available in the neighborhood and the proposed use will not adversely affect traffic or parking in the district.

The proposed project will have no impacts on flooding, air quality, agricultural, or aesthetic resources in/around the City, as the location of the project is in an industrial zone designed for uses such as the warehouse proposed by the applicant. The proposed action is not in, or adjacent to a historic or archaeological resource. The proposed project also will not impact open space or recreation opportunities for the public.

The proposed plan includes details for environmental mitigation in a manner and form acceptable to the Planning Board and the City Engineer.

Upon completion, and once occupied, there will also be a minor increase in energy use, water use, and sewer systems commensurate with the proposed uses. The proposed uses are commensurate with the community objectives and aesthetic, and in line with the promotion of the types of uses contemplated by the City's current zoning regulations. The Planning Board determines that there will be no significant long term impact on energy use, water, or sewer supply and/or systems.

In sum, the Planning Board determined that there would be no significant long term impact on energy use, water, or sewer supply and/or systems based on the size and scope of the project, and that any environmental concerns were adequately mitigated by the applicant's proposed plan and/or its consent to comply with NYSDOT, NYSDEC, City Engineer, and City Planner comments.



Project: PB 2021-18

Date: July 18, 2023

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the City of Newburgh Planning Board \_\_\_\_\_ as lead agency that:

A. 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.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

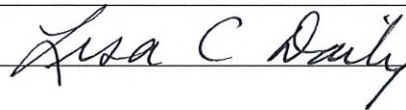
There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Application No.: 2021-18

Name of Lead Agency: City of Newburgh Planning Board

Name of Responsible Officer in Lead Agency: Lisa Daily



Title of Responsible Officer: Chairperson

Signature of Responsible Officer in Lead Agency:



Date: 11/13/23

Signature of Preparer (if different from Responsible Officer)



Date: July 18, 2023

**For Further Information:**

Contact Person: Jeremy Kaufman

Address: 83 Broadway, Newburgh, NY 12550

Telephone Number: 845-569-7335

E-mail: [jkaufman@cityofnewburgh-ny.gov](mailto:jkaufman@cityofnewburgh-ny.gov)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY**

**Resolution No. 2024-10-21-05**

**APPROVING RESOLUTION  
IV5 NEWBURGH SOUTH LOGISTICS CENTER LLC PROJECT**

A regular meeting of City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, Newburgh, New York on October 21, 2024 at 6:00 o'clock p.m., local time.

The meeting was called to order by the Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Christina Amato  
Gregory Nato  
Michael Nepl  
Alexandra Church  
Vickiana DeMora  
Sharonda Powell

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq. and David Craft, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by  
\_\_\_\_\_, to wit:

RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT AND PROJECT ASSIGNMENT FOR IV5 NEWBURGH SOUTH LOGISTICS CENTER LLC.

WHEREAS, the City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct, lease, improve, maintain, equip, and furnish one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed, leased, improved, maintained, equipped and furnished, and to convey said projects or to lease said projects; and

WHEREAS, on October 11, 2023, IV5 Newburgh South Logistics Center LLC, a Delaware limited liability company, or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (collectively, the “Company”), submitted an application to the Agency, which application has been updated and amended by the Company prior to this meeting (collectively, the “Application”), a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) the acquisition of an interest in a parcel of real property consisting of approximately 49.60 acres located at 700 South Street, Newburgh, New York (the “Land”), (2) the construction and improvement of a new warehouse distribution building on the Land totaling approximately 416,320 square feet (the “Facility”), and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), (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 estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to



purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on February 21, 2024 (the “First Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the First Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “First Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on March 6, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the First Public Hearing to be posted on February 29, 2024 on the Agency’s website and also on a public bulletin board located at the Newburgh City Hall located at 83 Broadway, City of Newburgh, Orange County, New York, (C) caused notice of the First Public Hearing to be published on March 6, 2024 in the Times Herald Record, a newspaper of general circulation available to the residents of the City of Newburgh, Orange County, New York, (D) conducted the First Public Hearing on March 27, 2024 at 6:00 o'clock p.m., local time at offices of the City of Newburgh Industrial Development Agency located at City Hall, 83 Broadway, Orange County, Newburgh, New York, and (E) caused to be prepared a report of the First Public Hearing (the “First Public Hearing Report”) fairly summarizing the views presented at such First Public Hearing and caused a copy of said First Public Hearing Report to be made available to the members of the Agency and the public by posting the same to the Agency website; and

WHEREAS, by resolution adopted by the members of the Agency on June 17, 2024 (the “Second Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project and the amendment to the Application submitted by the Company; and

WHEREAS, pursuant to the authorization contained in the Second Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Second Public Hearing” and with the First Public Hearing, the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on July 8, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Second Public Hearing to be posted on July 8, 2024 on the Agency’s website and July 22, 2024 to be posted on a public bulletin board located at the Newburgh City Hall located at 83 Broadway, City of Newburgh, Orange County, New York, (C) caused notice of the Second Public Hearing to be published on July 12, 2024 in the Times Herald Record, a newspaper of general circulation available to the residents of the City of Newburgh, Orange County, New York, (D) conducted the Second Public Hearing on July 25, 2024 at 6:00 o'clock p.m., local time at offices of the City of Newburgh Industrial Development Agency located at City Hall, 83

Broadway, Orange County, Newburgh, New York, and (E) caused to be prepared a report of the Second Public Hearing (the “Second Public Hearing Report”) fairly summarizing the views presented at such Second Public Hearing and caused a copy of said Second Public Hearing Report to be made available to the members of the Agency and the public by posting the same to the Agency website; and

WHEREAS, 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 at 6 NYCRR Part 617 (the “Regulations”, and collectively with the SEQR Act, “SEQRA”), the Agency has been informed that (1) the City of Newburgh Planning Board (the “Planning Board”) declared itself to act as “lead agency” for a “coordinated review” of a “Type I Action” with respect to the Project on December 21, 2021, (2) the Planning Board exercised due diligence in identifying other “involved agencies” known at that time; and (3) the Planning Board issued a Determination of Significance through the issuance of an Negative Declaration issued on May 16, 2023 and affirmed on July 18, 2023 (the “Negative Declaration”), attached hereto as Exhibit A, determining that the acquisition, reconstruction, renovation and installation of the Project Facility will not have any significant adverse environmental impacts; and

WHEREAS, the Agency determined by Resolution No. 2024-10-21-04 dated October 21, 2024 that (i) the Agency is an “involved agency” with respect to the Project, (ii) the Agency (1) concurred in the determination by the Planning Board, as “lead agency” with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and (2) determined that it had no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA and (iii) that by reason of the foregoing, the Agency determined that no environmental impact statement need be prepared with respect to the Project; and

WHEREAS, to aid the Agency in determining whether the Project qualifies for Financial Assistance as a commercial project within the meaning of the Act, the Agency has reviewed the following (collectively, the “Project Qualification Documents”): (A) the Application; (B) the published Cost Benefit Analysis dated December 22, 2023, as amended and updated (the “CBA”), and prepared by the MRB Group at the request of the Agency and which was discussed with the public at the Public Hearing; (C) the published Test of Reasonableness dated December 22, 2023, as amended and updated, and prepared by the MRB Group at the request of the Agency and which was discussed with the public at the Public Hearing; (D) the transcripts of the Public Hearing, respectively; and (E) copies of correspondence from governmental officials supporting the commercial/economic impacts of the Project (the “Local Support”); and

WHEREAS, pursuant to the CBA, the Project is projected to (A) create approximately 105 direct and indirect full-time equivalent construction jobs at the Project Facility during the approximately twelve month construction period; (B) create approximately 37 direct and indirect ongoing full-time equivalent jobs at the Project Facility and (C) projected to generate annual sales tax and real property tax revenue to the City of Newburgh and Orange County of

approximately \$6 million over the period of the PILOT when the Project Facility becomes operational; and

WHEREAS, pursuant to the Test of Reasonableness, the requested Financial Assistance is reasonable and will provide the Company (A) a reasonable, risk-adjusted internal rate of return; and (B) permit an acceptable debt service ratio coverage for the Project for financing purposes; and

WHEREAS, during the Public Hearing, no letters, petitions and/or signatures in opposition were received by the Agency; and

WHEREAS, pursuant to Section 862(2)(b) of the Act, the Agency would be authorized to provide financial assistance in respect of the Project provided that the obligation of the Agency to proceed with the Project was subject to certain conditions, including, following compliance with the procedural requirements of Section 859-a of the Act, a finding by the Agency that the Project would preserve permanent, private sector jobs in the State of New York or increase the overall number of permanent, private sector jobs in the State of New York; and

WHEREAS, having complied with the requirements of SEQRA and Section 859-a of the Act with respect to the Project, the Agency now desires, pursuant to Section 862(2)(c) of the Act, to make its final findings with respect to the Project and its final determination whether to proceed with the Project; and

WHEREAS, subject to compliance with the terms hereof and the execution and delivery of the Lease Documents (as defined hereinbelow) by each of the Company and, as applicable, the Agency will: (i) designate the Company as its agent for the purpose of acquiring, constructing, equipping and completing the Project pursuant to a project agreement setting forth the Finance Assistance being provided (the "Project Agreement"); (ii) acquire a leasehold interest in the Project through the negotiation, execution and delivery of a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a bill of sale (the "Bill of Sale"), an environmental compliance and indemnification agreement (the "Environmental Compliance and Indemnification Agreement") and all other documents and certificates required by the Agency to confer the approved Financial Assistance, each of the foregoing with the Company (the "Miscellaneous Documents" and together with the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Bill of Sale and the Environmental Compliance and Indemnification Agreement, collectively, the "Lease Documents"); (iii) secure the Company's borrowings with respect to the Project Facility by joining in one or more construction or permanent mortgages and assignment of leases and rents on the Project Facility in favor of the Company's lender(s); (iv) provide the Financial Assistance to the Company in the form of (a) State and local sales and use tax exemption for purchases and rentals related to the acquisition, construction, equipping and completion of the Project, (b) a payment in lieu of tax agreement, and (c) a mortgage recording tax exemption for financing related to the Project; and

WHEREAS, the Lease Documents, in substantially similar form to those used for other projects, and related documents will be negotiated and presented to the Agency for execution and delivery subject to the approval of these resolutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. All action taken by the Chairperson and/or any Member or staff of the Agency with respect to the Public Hearing with respect to the Project and the requested Financial Assistance is hereby ratified and confirmed.

Section 2. The law firm of Whiteman Osterman & Hanna LLP is hereby appointed Agency Counsel to the Agency with respect to all matters in connection with the Project. Agency Counsel for the Agency is hereby authorized, at the expense of the Company and Assignee, to work with the Company and Assignee, counsel to the Company and Assignee, and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution. Agency Counsel has prepared and submitted an initial draft of the Agency Documents to staff of the Agency.

Section 3. The Agency hereby finds and determines that:

(A) By virtue of 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;

(B) The Project constitutes a “project,” as such term is defined in the Act;

(C) The Project site is located entirely within the boundaries of the City of Newburgh, Orange County, New York;

(D) It is estimated at the present time that the costs of the planning, development, acquisition, construction, and installation of the Project Facility (collectively, the “Project Costs”) will be approximately \$53,454,900.00.

(E) The completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York;

(F) The Project Facility does not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project, and accordingly, the Project is not prohibited by the provisions of Section 862(2)(a) of the Act, and (2) accordingly the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act;

(G) The Agency has determined: (i) the Project is located in a “highly distressed area” (as defined in the Act); (ii) (1) the Project Facility will provide necessary infrastructure and other opportunities for area employers and businesses, (2) the completion of the Project Facility will have a positive impact upon the creation, retention and expansion of employment opportunities in the City of Newburgh and in the State of New York; (3) the completion of the Project will

assist in promoting employment opportunities and assist in preventing economic deterioration in the City of Newburgh and in the State of New York; (4) the acquisition, construction and installation of the Project Facility is essential to the creation of new employment opportunities and is essential to the prevention of economic deterioration of businesses and neighborhoods located in the City of Newburgh; (5) the undertaking of the Project will serve the public purposes of the Act by preserving and creating permanent private sector jobs in the State of New York; (6) the Project will create product use of vacant industrial land in the City of Newburgh; and (8) the granting of the Financial Assistance by the Agency with respect to the Project will promote and maintain the general prosperity and economic welfare of the citizens of the City of Newburgh, Orange County, New York and the State of New York and improve their standard of living, by providing a commercial project, thereby serving the public purposes of the Act;

(H) The Agency has reviewed all information it has received relating to the Project including without limitation the Application and related supplemental materials submitted by the Company, the Public Hearing Report. After consideration of such information, documents, comments and opinions, the Agency finds as follows:

- (i) The Agency Documents will require that the Company, or its successors or assigns, comply with any requirements of the City Planning Board and Department of Buildings prior to the receipt of any Financial Assistance; and
- (ii) Special Districts will not be affected by the PILOT Request; and
- (iii) In the event the Company cancels or withdraws from the Payment in Lieu of Tax Agreement prior to its termination as described in the closing documents with the Agency, the Uniform Project Benefits Agreement will provide for the recapture of the real property taxes which would otherwise have been due in consideration of the Project; and
- (iv) By reason of the Pilot Request, the Agency reviewed the CBA and the Test of Reasonableness Report prepared by the Agency's consultant. The Test of Reasonableness Report concludes that the requested Financial Assistance is reasonable and will provide the Company (A) a reasonable, risk-adjusted internal rate of return; and (B) permit an acceptable debt service ratio coverage for the Project for financing purposes.

(I) The Project should receive the Financial Assistance in the form of exemption from certain (i) sales and use taxes; (ii) real estate transfer taxes and mortgage recording taxes; and (iii) real property taxes based on (1) the Company's statement that the Project will not proceed without such Financial Assistance, including the PILOT Request, and (2) the CBA and Test of Reasonableness undertaken by the Agency and the description of expected public benefits to occur as a result of this Project, as described on **Exhibit A** attached hereto and failure



by the Assignee to meet the expected public benefits will result in a recapture event, as described on **Exhibit B** attached hereto; and

(J) In accordance with the CBA, the projected total Financial Assistance provided to the Company for the Project is as follows:

<b><u>TYPE OF FINANCIAL ASSISTANCE</u></b>	<b><u>AMOUNT OF APPROVED FINANCIAL ASSISTANCE</u></b>
Sales and Use Tax Exemption Benefits	\$1,507,500
Payment in Lieu of Real Estate Taxes	\$4,185,659 (cumulative)
Mortgage Recording Tax Exemption	\$280,818
<b>TOTAL APPROVED FINANCIAL ASSISTANCE</b>	<b>\$5,973, 977</b>

(K) It is desirable and in the public interest for the Agency to approve the Application and to enter into the Agency Documents.

Section 4. The Agency is hereby authorized, without limitation (A) to acquire a license in the Licensed Premises pursuant to the License Agreement, if applicable, (B) to acquire a leasehold interest in the Leased Premises pursuant to the Underlying Lease, (C) to acquire title to the Equipment pursuant to a bill of sale (the “Bill of Sale to Agency”) from the Assignee to the Agency, and (D) to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisitions are hereby approved, ratified and confirmed.

Section 5. The Agency is hereby authorized to acquire, construct and install the Project Facility as described in the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition, construction and installation are hereby ratified, confirmed and approved.

Section 6. The Payment in Lieu of Tax Agreement shall provide for PILOT Payments based on the following percentage exemptions:

<b><u>TAX YEAR</u></b>	<b><u>Percentage of Exemption*</u></b>
1	100%
2	75%
3	75%

4	75%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

\* On future assessments related to improvements to be made as part of the Project.

Section 7. The Chairperson (or Vice Chairperson) of the Agency, with the assistance of Agency Counsel, is authorized to negotiate and approve the form and substance of the Agency Documents.

Section 8. (A) The Chairperson, the Vice Chairperson, or the Executive Director of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agency Documents, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in the forms thereof as the Chairperson (or Vice Chairperson) shall approve, the execution thereof by the Chairperson (or Vice Chairperson) to constitute conclusive evidence of such approval.

(B) The Chairperson (or Vice Chairperson) of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 10. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Christina Amato	VOTING
Gregory Nato	VOTING
Michael Nepl	VOTING
Alexandra Church	VOTING
Vickiana DeMora	VOTING
Sharonda Powell	VOTING

The foregoing Resolution was thereupon declared duly adopted.

DRAFT



## EXHIBIT A

### DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS

In the discussions had between the Project Beneficiary (IV5 Newburgh South Logistics Center LLC) and the Agency with respect to the Project Beneficiary’s request for Financial Assistance (including, without limitation, the PILOT Request) from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of the City of Newburgh, Orange County, New York (the “Public Benefits”):

Description of Benefit		Applicable to Project (indicate Yes or No)		Expected Benefit
1.	Retention of existing jobs	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Zero (0) full time equivalent existing jobs at the Project Facility (vacant or abandoned land).
2.	Creation of new permanent jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Thirty-one (31) full time or part time private sector jobs at the Project Facility and up to six (6) indirect full time or part time private sector jobs at the Project Facility within twelve (12) months of completion of the Project.
3.	Estimated of tax exemptions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Approximately (i) \$1, 507,500 in sales tax exemption; (ii) \$4,185,659 in real estate tax exemption; and (iii) \$280,818 in mortgage recording tax exemption
4.	Creation of construction employment for local labor (i.e., labor resident in the area comprised of Hudson Valley Region as described in Agency Local Labor Policy)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Average of sixty-eight (68) direct and thirty-seven (37) indirect full time equivalent construction jobs at the Project Facility for local labor during an estimated construction period of twelve (12) months, commencing within three (3) months of the closing of the Lease Documents. The Company agrees that the Project will comply with the Agency’s Local Labor Policy. In connection with Labor Policy, the Agency will contract with an independent consultant to review the Company’s compliance with



				the Labor Policy and the Company will establish an escrow account with the Agency for the purposes of paying the costs and fees of such independent consultant.
5.	Private sector investment	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	\$53,454,900.00 invested at the Project Facility within twelve (12) months of the date of the Approving Resolution for the Project.
6.	Creation of new revenues for local taxing jurisdictions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	\$5,598,447 of new revenues for local taxing jurisdictions and special districts with respect to the Project Facility within twenty-four (24) months of the date of completion of Project operations by the Company/Project Beneficiary.
7.	Attract customers from outside the Economic Development Region	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Project is a warehouse distribution center.
8.	Adaptive reuse of an existing deteriorating structure.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Project is new construction on vacant land.
9.	Regional wealth creation (majority of sales/customers from outside of the City)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The Project will serve as a distribution center to a tenant which serves a market beyond the City.
10.	Alignment with local planning and development efforts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	The City Planning Department has approved the Project.
11.	Promotes walkable community areas	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Project will create daily/multiple day employees in the City, which will promote local use of restaurants, entertainment and other amenities.
12.	Elimination or reduction in blight	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Current land is a brownfield, is vacant and underutilized.
13.	Historic building designation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Not applicable.
14.	Brownfield remediation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Project redevelops a current brownfield site.

## EXHIBIT B

### DESCRIPTION OF THE RECAPTURE EVENTS

In connection with the Project and the granting of the Financial Assistance, the Agency and the Project Beneficiary/Company agree that the following shall constitute recapture events with respect to the Project and the granting of the Financial Assistance:

1.	Failure of the Project Beneficiary to document to the satisfaction of the Agency the commencement of the acquisition, construction, reconstruction, renovation, and/or installation of the Project Facility within four (4) months of the date of the Approving Resolution for the Project.
2.	Failure of the Project Beneficiary to document to the satisfaction of the Agency the completion of the acquisition, construction, reconstruction, renovation, and/or installation of the Project Facility within twelve (12) months of the commencement of construction.
3.	Failure by the Project Beneficiary to document to the satisfaction of the Agency the creation of at least 85% of the average full time equivalent local labor construction jobs at the Project Facility during the construction period described on <b>Exhibit A</b> .
4.	Failure by the Project Beneficiary to document to the satisfaction of the Agency the creation of at least 85% of the full time equivalent new jobs at the Project Facility listed on <b>Exhibit A</b> .
5.	Failure by the Project beneficiary to develop a program designed to focus job opportunities for residents from the City of Newburgh and Orange County at the Project within six (6) months of closing on the Lease Documents.
6.	Failure by the Project Beneficiary to document to the satisfaction of the Agency that at least 80% of the private sector investment described on <b>Exhibit A</b> occurred with respect to the Project Facility within eight (8) months of the date of the Approving Resolution for the Project.
7.	Failure by the Project Beneficiary to document to the satisfaction of the Agency that at least 80% of the new revenues for local taxing jurisdictions and special districts described on <b>Exhibit A</b> attached hereto were created within twenty-four (24) months of the date of completion of the Project by the Project Beneficiary.
8.	Failure by the Project Beneficiary to document to the satisfaction of the Agency that the Project has substantially complied with the requirements of the Agency SEQR Resolution.
9.	Liquidation of substantially all of the Project Beneficiary's (or its members or related party) operating assets at the Project Facility and/or cessation of substantially all of the Project Beneficiary's operations at the Project Facility during the initial 10 years after completion of the Project.
10.	Relocation of all or substantially all of Project Beneficiary's operations at the Project Facility to another site, or the sale, lease or other disposition of all or substantially all of the Project Facility at any time.
11.	Failure by the Project Beneficiary to comply with the annual reporting requirements or to provide the Agency with requested information.
12.	Sublease or assignment of all or part of the Project Facility in violation of any Project Facility Agreement.

13.	A change in the use of the Project Facility, other than as described on <b>Exhibit A</b> and other directly and indirectly related uses, in violation of any Project Facility Agreement.
14.	Failure by the Project Beneficiary to use best efforts to secure a sub-lease(s) with end-user sub-tenant(s) of the Project Facility, within six (6) months of the date of completion of the Project by the Project Beneficiary, which sub-lease(s) include obligations for the sub-tenant(s) to comply with the Lease Documents.
15	Failure by the Project Beneficiary to use best efforts to establish an apprenticeship program with Orange County Community College or other workforce development or training program serving the City of Newburgh residents for construction industry jobs within one (1) month of commencement of construction.

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