



BOARD MEETING

6:30 p.m., Monday, April 21, 2025
Newburgh Recreation Center
401 Washington Street, Newburgh, NY

AGENDA

1. Roll Call
2. Proof of Notice of Meeting
3. Reading and approval of minutes of the previous meeting
4. Report of the Treasurer
Approval of Treasurer's Report for March 2025
Approval of payment of bills for March 2025
5. Chairman's Report
6. Counsel's Report
7. Executive Director's Report
8. New Business

Resolution # 2025-04-21-01 SEQRA Resolution - 104 Washington St LLC

Resolution # 2025-04-21-02 Commercial/Retail Findings - 104 Washington St LLC

Resolution # 2025-04-21-03 Deviation Approval Resolution - 104 Washington St LLC

Resolution # 2025-04-21-04 Approving Resolution – 104 Washington St LLC

Resolution # 2025-04-21-05 SEQRA Resolution - Liberty Street Apartments LLC

Resolution # 2025-04-21-06 Commercial/Retail Findings - Liberty Street Apartments LLC

Resolution # 2025-04-21-07 Deviation Approval Resolution - Liberty Street Apartments LLC

Resolution # 2025-04-21-08 Approving Resolution - Liberty Street Apartments LLC

9. Old Business

10. Adjournment

NEWBURGH
IDA
INDUSTRIAL DEVELOPMENT AGENCY
BOARD OF DIRECTORS MEETING
Minutes of March 17, 2025

The Board of Directors of the Newburgh IDA met on Monday, March 17 at 6:45 pm at 401 Washington Street, Newburgh, NY 12550.

Present:

Board Members: Michael Neppl, Chair
Gregory Nato, Secretary
Vickiana DeMora, Treasurer
Alexandra Church, Vice Chair
Christina Amato, Member
Sharonda Powell, Member

Staff: Cherisse Vickers, Executive Director
Adriana Huaynalaya, Financial Administrator

Counsel: David Craft, Esq., Whiteman Osterman & Hanna LLP

Guests: Michael N'Dolo, MRB Group.
Erik Cooney, Scobie Industrial Partners, LLC.
Jacob Chai, Shaw Building L.P.

1. **Roll Call:** Michael Neppl, Chairman called the meeting to order at 6:36 pm. A quorum was declared to be met.
2. **Proof of Meeting Notice:** Michael Neppl, Chairman observed that the Notice of the meeting was properly sent and accepted.
3. **Public Hearing Scobie Industrial Partners, LLC:**

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, 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 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, (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.

4. **Public Hearing Shaw Building, L.P:**

Shaw Building, L.P., a New York limited partnership, 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 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 parcels of real property consisting of approximately 39,959 square feet located at 24-42 Johnes Street, Newburgh, New York (the “Land”), (2) the rehabilitation and conversion of an existing historic building on the Land to a mixed-use residential and commercial building totaling approximately 27,000 square feet and the construction and improvement of a new mezzanine residential building on the Land totaling approximately 36,500 square feet with principal uses across both buildings consisting of market-rate housing, affordable housing, and commercial retail space (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.

5. **Reading and Approval of February 26, 2025 Meeting Minutes:**

Meeting Minutes from the board meeting of February 26, 2025, were distributed to the board via e-mail.

Motion to approve February 26, 2025 meeting minutes as presented:

Ms. Church: Motion to approve the minutes

Ms. DeMora: Motion seconded

VOTE: Unanimously passed

6. **Report of the Treasurer; Approval of Payment of Bills:**

Vickiana DeMora presented the February Treasurer's Report to the board.

Motion to approve February 2025 Treasurer's Report

Ms. Church: Motion to approve

Ms. Amato: Motion seconded

VOTE: Unanimously passed

Motion to approve February 2025 Bill Payments

Ms. Church: Motion to approve (Checks 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329)

Mr. Nato: Motion seconded

VOTE: Unanimously passed

Audit 2024

This morning, Ms. DeMora, Ms. Powell, and Ms. Vickers met to review the results of the audit. The audit findings were positive, with no significant issues identified—only one or two recommendations. The treasurer asked board approval for the audit. Mr. Neppel opened the floor for questions or comments. Mr. Nato inquired about the specific recommendations made in the audit. Ms. DeMora explained that one recommendation pertained to QuickBooks, noting that some past issues had already been resolved, but the auditors suggested additional staff training. Mr. Neppel emphasized that there were no formal audit findings, just a few corrective journal entries, which are a standard part of annual audits. Mr. Neppel also supported the recommendation for additional training, stating that it is always beneficial.

7. **Chairman's Report:**

March 17, 2025, Board Meeting Minutes

Mr. Neppl expressed his gratitude to the developers who participated in the public hearings and acknowledged their contributions to the City's growth. The chair highlighted that the two proposed projects are of exceptional quality and serve as strong examples of how Newburgh is fostering an economic development environment that is attracting investors from the region and beyond. Mr. Neppl emphasized that this is an exciting time for both the City and its residents, as these investments contribute to the ongoing revitalization and economic expansion of Newburgh. Mr. Neppl thanked the developers for their interest and commitment to the city's future.

8. **Counsel's Report:**

Mr. Craft shared with the board for Newburgh South Logistics Center, this project has already been approved for financial assistance. Mr. Craft and the company's attorney are working on finalizing the closing process. The closing documents are in place, and the transaction is expected to be completed by the end of the month.

For the 191 Washington project, Mr. Craft mentioned this project, previously approved for financial assistance, was discussed in the last meeting by Mr. McLaughlin. Mr. Craft reported that they are in the process of finalizing the closing, with early April set as the expected time frame for completion.

For the Cell Tower lease, Mr. Craft shared with the board that counsel received a lease amendment from Crown Castle for approval, extending the cell tower lease for a 25-year term. The lease includes an early termination option after 10 years at the Agency's sole discretion. Upon execution of this third amendment, the Agency will receive a one-time payment of \$20,000, while continuing to share revenue from the cell tower rentals. Ms. Amato asked whether the \$20,000 was a one-time fee for the lease extension or if rental payments would continue. Mr. Craft confirmed that, per the lease amendment, all existing lease terms remain in effect, meaning rental payments and revenue sharing will continue throughout the renewal term. Ms. Church expressed appreciation for the additional maintenance obligations included in the lease, ensuring that costs remain the responsibility of the leaseholder. If these obligations are not met, the Agency has enforcement rights, including default and lease termination.

9. **Executive Director's Report:**

Ms. Vickers provided updates on the retreat planning for the Agency's UTEP. Ms. Vickers reached out to board members regarding scheduling a retreat to discuss the UTEP (Uniform Tax Exemption Policy). Most members are available on April 11th at 9:00 AM, with only two votes still outstanding. If those confirmations come in, that will be the final date. The retreat location is yet to be determined. Previously, the board rented a space from Safe Harbors, which was convenient due to its proximity to City Hall. Ms. Vickers suggested using the same location again if agreeable to the board. Ms. Vickers is

now a member of SEDAC (Strategic Economic Development Advisory Committee) and attended a recent meeting where a board presentation took place. Moving forward, Ms. Vickers and/or Ms. Church can provide updates on SEDAC meetings as needed. Ms. Vickers also shared with the board the CD the IDA holds as noted in the treasurer's report is set to mature in April. The board will need to decide whether to renew the CD and under what terms. Ms. Vickers will be reaching out via email for guidance before the April meeting, as a decision may be needed in advance.

10. **New Business:**

Resolution # 2025-03-17-01 Audit and Investment Report for 2024

The Agency has received the Independent Report of the Agency Auditor for the year ending December 31, 2024, the 2024 Investment Report, and associated statements and reports (collectively, the “2024 Certified Annual Audit of the Agency”) and the members of the Agency have reviewed and considered the findings of the 2024 Certified Annual Audit of the Agency.

Ms. Church: Motion to approve
Ms. DeMora: Motion seconded

A roll call was taken for the vote.

Mr. Neppel: Yes
Ms. Church: Yes
Ms. DeMora: Yes
Mr. Nato: Yes
Ms. Amato: Yes
Ms. Powell: Yes

VOTE: Unanimously passed

Resolution # 2025-03-17-02 Approval of Amendment to Certain Lease Agreement (Cell Tower)

The Agency entered into a sublease, as amended, for the Property with Orange County-Poughkeepsie MSA Limited Partnership, a Delaware limited partnership (“ORP”), as subtenant, on or about February 1999 (the “Sublease”) and as the subtenant, constructed, or caused the construction of, a cell tower for use by the City and others and pursuant to that certain assignment and assumption agreement dated December 6, 1999, by and between ORP and Crown Atlantic Company LLC, a Delaware limited liability company (“Crown Castle”), ORP assigned to Crown Castle all of its right, title and interest in and to the Sublease and the Property. The term of the Sublease expired on September 9, 2024 (the “Sublease Termination Date”) and the members of the Agency have determined that it is in the best interest of the Agency to extend the term of the Sublease Agreement and by Resolution No. 2024-09-10-02 (the “Authorizing

Resolution”), the Agency authorized the extension of the Sublease upon certain terms and conditions; and after negotiation between the parties to the Sublease, the Agency now desires to amend the terms and conditions upon which it will extend the Sublease as set forth in this Resolution and approve the Third Amendment to the Lease as presented to the Members at this meeting.

Mr. Nato: Motion to approve

Ms. Church: Motion seconded

A roll call was taken for the vote.

Mr. Neppl: Yes

Ms. Church: Yes

Ms. DeMora: Yes

Mr. Nato: Yes

Ms. Amato: Yes

Ms. Powell: Yes

VOTE: Unanimously passed

11. **Old Business:**

Ms. Amato and Mr. Neppl engaged in a conversation regarding the removal of two resolutions from the agenda prior to the meeting and comments made during the public hearings for Liberty Street Apartments, LLC, and 104 Washington St, LLC.

12. **Adjournment**

A motion to adjourn was made by Ms. Church and seconded by Ms. DeMora. Unanimously passed at 8:34 pm.

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
TREASURER'S REPORT APRIL 21, 2025 MEETING
MARCH**

OPERATING Account #2847

Opening Balance As of March 1, 2025 **\$107,364.12**
from bank statement

<u>Deposits</u>	<u>Payor</u>	<u>Amount</u>	<u>Remarks</u>
	3/3/2025 AT&T	3,996.71	
	3/4/2025 T-Mobile	5,416.49	
	3/4/2025 Central Hudson	2,285.51	
	3/28/2025 Heritage Financial Credit Union	100.00	Payment for Invoice 349
	3/31/2025 Dish Network	1,500.00	
	3/31/2025 Interest Paid	254.92	Interest Rate 3.30%
TOTAL DEPOSITS 2847		\$13,553.63	

Disbursements

	<u>Payee</u>	<u>Amount</u>	<u>Remarks</u>
ACH	3/3/2025 QuickBooks Online	70.28	Monthly payment
ACH	3/4/2025 Mid Hudson Times	211.65	Mid Hudson Times Hearing Notice Shaw Building
ACH	3/4/2025 Mid Hudson Times	202.77	Mid Hudson Times Hearing Notice Scobie Drive
Check #1330	3/17/2025 PFK O'Connor Davis, LLP	8,250.00	Invoice 911378
Check #1331	3/17/2025 Whiteman Osterman & Hanna LLP	11,083.91	Invoice 757816, 757821, 757822,
Check #1332	3/17/2025 USPS	420.00	PO Box renewal
Check #1333	3/17/2025 ODP Business Solutions	138.89	Invoice 409914030001, 40987998001
Check #1334	3/17/2025 Adriana Huaynalaya	112.28	Reimbursed expenses
Check #1335	3/17/2025 Phanatiks Entertainment	2,000.00	Invoice 03172025
Check #1336	3/20/2025 Cherisse Vickers	37.60	Reimbursed expenses
Check #1337	3/20/2025 ODP Business Solutions	275.39	Invoice 414646362001
Check #1338	3/20/2025 Whiteman Osterman & Hanna LLP	1,896.00	Invoice 764475, 764484, 764485, 764481
Check #1339	3/27/2025 The Cornerstone Residence, L.P.	600.00	Rental for April 11 retreat
Check #1340	3/27/2025 PFK O'Connor Davis, LLP	2,750.00	Invoice 919044
Check #1341	3/27/2025 J&G Law, LLP	325.00	Invoice 322387
ACH	3/29/2025 QuickBooks Online	70.28	Monthly payment

TOTAL CHECKS & DISBURSEMENTS 2847		\$28,444.05
Closing Balance	As of March 31, 2025	\$92,473.70 Op Acct #2847
 PAYROLL Acct #8243		
Opening Balance	As of March 1, 2025	\$142,062.71
Debit	3/5/2025 Payroll Fees December 24	56.23
Debit	3/5/2025 Net Pay (part of gross wages)	3,827.04 02/17/25-03/02/25
Debit	3/5/2025 Employer Payroll Tax + Employee WH (part of gross wages)	1,471.75 02/17/25-03/02/25
Debit	3/19/2025 Net Pay (part of gross wages)	3,827.06 03/03/25-03/16/25
Debit	3/19/2025 Employer Payroll Tax + Employee WH (part of gross wages)	1,467.24 03/03/25-03/16/25
	Total Monthly Payroll Expense	\$10,649.32
Credit	3/31/2025 Interest Paid	373.13 Interest Rate 3.30%
Closing Balance	As of March 31, 2025	\$131,786.52 Payroll Acct #8243
 APPLICATIONS FUND Account #2855		
Opening Balance	As of March 1, 2025	\$14,151.44
Closing Balance	As of March 31, 2025	\$14,151.44 App Fund Acct #2855
 LESSOR/TENANT Account #2863		
Opening Balance	As of March 1, 2025	\$2,530.03
Interest Income	3/31/2025 Interest Paid	\$6.98 Interest Rate 3.30%
Closing Balance	As of March 31, 2025	\$2,537.01 Lessor Acct #2863
 LABOR MONITORING Account #7072		
Opening Balance	As of March 1, 2025	\$15,014.79
Closing Balance	As of March 31, 2025	\$15,014.79 Labor Monitor Acct #7072

MONEY MARKET Account #2871**Opening Balance** As of March 1, 2025**\$1,290,863.61**

Interest Income 3/31/2025 Interest Paid

3,563.14 Interest Rate 3.30%

Closing Balance As of March 31, 2025**\$1,294,426.75 MM Acct #2871****NEWBURGH SOUTH LOGISTICS CENTER Account #6521****Opening Balance** As of March 1, 2025**\$54.64**

Interest Income 3/31/2025 Interest Paid

0.15 Interest Rate 3.28%

Closing Balance As of March 31, 2025**\$54.79 NSLC Acct #6521****LABOR MONITORING IV5 Account #5325****Opening Balance** As of March 1, 2025**\$0.00****Closing Balance** As of March 31, 2025**\$0.00 Labor Monitor IV5 Acct #5325****PROVIDENT BANK Account #4346****Opening Balance** As of March 1, 2025**\$0.00****Closing Balance** As of March 31, 2025**\$0.00 PROVIDENT BANK Acct #4346****PROVIDENT BANK Account #5683****Opening Balance** As of March 1, 2025**\$4,258,821.87****Closing Balance** As of March 31, 2025**\$4,258,821.87 PROVIDENT BANK Acct #5683**

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

Resolution No. 2025-04-21-01

**RESOLUTION DETERMINING THAT THE ACTION TO UNDERTAKE A PROJECT
FOR THE BENEFIT OF 104 WASHINGTON ST, 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 Newburgh Activity Center, 401 Washington Street, Newburgh, New York on April 21, 2025 at 6:30 o’clock p.m., local time.

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

PRESENT:

Michael Nepl
Alexandra Church
Vickiana DeMora
Sharonda Powell

Chair
Vice Chair
Treasurer
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.

Executive Director
Financial Administrator
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 104 WASHINGTON ST, 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, 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, in September of 2020, 104 Washington St, LLC, a New York limited liability company (the "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 was revised by the Company on April 20, 2021 (collectively, the "Initial Application"), a copy of which Initial Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Initial Project"), said Initial Project consisting of the following: (A) the acquisition of an interest in an approximately 5,000 square foot parcel of real property located at 104 Washington Street, Newburgh, NY (the "Land"), (2) the construction on the Land of improvements consisting of an office or retail space with approximately 29 residential units (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, in connection with the Initial Application, the Company made a request to the Agency (the "Initial Pilot Request") to deviate from the Agency's uniform tax exemption policy (the "Policy") with respect to the payments to be made under a payment in lieu of tax agreement by and between the Agency and the Company (the "Initial Proposed Pilot Agreement"); and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Initial Pilot Request for a deviation from the Policy, the Agency gave the chief executive officers of the County of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice (the "Initial Deviation Notice") of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, pursuant to Resolution No. 2020-09-21-01 (the "First Public Hearing Resolution"), and Resolution No. 2021-05-17-01 (the "Second Public Hearing Resolution"), adopted by the members of the Agency on September 21, 2020 and May 17, 2021, respectively, the Executive Director of the Agency conducted public hearings of the Agency (the "Initial Public Hearings") pursuant to Sections 859-a and 874(4) of the Act, to hear all persons interested in the Initial Project and the Financial Assistance being contemplated by the Agency with respect to the Initial Project and prepared reports of the Initial Public Hearings (the "Hearing Reports") fairly summarizing the views presented at such Initial Public Hearings and caused copies of said Hearing Reports to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "Regulations", and collectively with the SEQRA Act, the "SEQRA"), by resolution adopted by the members of the Agency on July 14, 2021, pursuant to Resolution No. 2021-07-14-01 (the "Initial SEQRA Resolution"), the Agency: (a) ratified and concurred in the determination of the City of Newburgh Planning (the "Planning Board") as "lead agency" with respect to the Project Facility under SEQRA (as such quoted term is defined in SEQRA); and (b) determined that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Initial 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 Facility (as such quoted terms are defined in SEQRA); and

WHEREAS, pursuant to Resolution No. 2021-07-14-02 (the "Initial Commercial/Retail Findings Resolution"), adopted by the members of the Agency on July 14, 2021, the Agency determined, among other things, that 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 and that the Initial Project constitutes a "commercial" project within the meaning of the Act; and

WHEREAS, pursuant to Resolution No. 2021-07-14-03 (the "Initial Approving Resolution"), adopted by the members of the Agency on July 14, 2021, the Agency determined to grant the Financial Assistance and to enter into a lease agreement dated as of September 1, 2022 (the "Lease Agreement") between the Agency and the Company and certain other documents related thereto and to the Initial Project (collectively with the Lease Agreement, the "Basic Documents"); and

WHEREAS, on September 1, 2022, the Agency and the Company closed on the Basic Documents in which the Company agreed (1) to cause the Initial Project to be undertaken and completed, and (2) as agent of the Agency, to undertake and complete the Initial Project, and the

Agency leased the Project Facility to the Company with an option to acquire the Project Facility from the Agency; and

WHEREAS, as of September 1, 2024, the Company had not commenced work on the Initial Project or the Project Facility; and

WHEREAS, on October 29, 2024, the Company submitted a revised application to the Agency (the "Amended Application," together with the Initial Application, hereinafter, collectively referred to as the "Application") to amend the Initial Project (the "Amended Project," together with the Initial Project, collectively, hereinafter referred to as the "Project") by decreasing the number of residential units in the Facility from approximately 29 residential units to approximately 14 residential units and allocating more square footage to the commercial space in the Facility; and

WHEREAS, the Application addresses a housing need in the State of New York and the City of Newburgh which is consistent with Governor Hochul's Executive Order No. 30 (July 18, 2023) (the "Executive Order") requiring all Affected State Entities (including public authorities defined in section two of the public authorities law) to consider the goal of creating additional housing in any policy or programmatic decisions and where appropriate shall collaborate with other Affected State Entities to effectuate that goal; and

WHEREAS, by Resolution No. 2024-12-16-01, adopted by the members of the Agency respectively on December 16, 2024 (the "Amended Project Public Hearing Resolution," together with the First Public Hearing Resolution and the Second Public Hearing Resolution, hereinafter, collectively referred to as the "Public Hearing Resolution"), the Agency authorized a public hearing (the "Amended Project Public Hearing," together with the Initial Public Hearings, hereinafter, collectively referred to as the "Public Hearing") to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, in connection with the Application, the Company has made a new request to the Agency (the "New Pilot Request" and with the Initial Pilot Request, collectively the "Pilot Request") to deviate from the Policy with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the "New Proposed Pilot Agreement" together with the Initial Proposed Pilot Agreement, hereinafter, collectively referred to as 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 Affected Tax Jurisdictions prior written notice (the "New Deviation Notice" together with the Initial Deviation Notice, hereinafter, collectively referred to as the "Deviation Notice") of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Pilot Request was for a term of thirty (30) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of thirty (30) years is consistent with the provisions of Section 577 of the Private Housing Finance Law, which permits tax exemption for a housing development up to forty (40) years; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of the Public Hearing of the Agency pursuant to Sections 859-a and 874(4) 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, including the Pilot Request for a deviation from the Policy, to be mailed on January 6, 2025 to the chief executive officers of the County of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located, (B) caused notice of the Public Hearing to be posted on December 19, 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 Public Hearing to be published on December 22, 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 Public Hearing on January 22, 2025 at 6:30 o'clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (E) caused to be prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused a copy of said 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, due to the Company not commencing work on the Project and the expiration of the Planning Board's approval for the Project, the Project required a new approval from the Planning Board; and

WHEREAS, pursuant to SEQRA, the Agency has been informed that (1) the Planning Board was designated to act as "lead agency" with respect to the Project on November 19, 2024, (2) the Planning Board determined, based upon an examination of the Full EAF filed by the Company 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, and would not require the preparation of a Draft Environmental Impact Statement, and (3) the Planning Board determined by resolution dated December 17, 2024 after appropriate review to (A) ratify and confirm the lead agency designation of the Planning Board and (B) find that there was no information to suggest that the Planning Board was incorrect in determining that the Project will not have a "significant effect on the environment" through the issuance of a Negative Declaration pursuant to the SEQRA; 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 Company, (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 Chair, any Vice Chair 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:

Michael Neppi	VOTING	_____
Alexandra Church	VOTING	_____
Vickiana DeMora	VOTING	_____
Sharonda Powell	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

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 April 21, 2025 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 _____ 2025.

Secretary

(SEAL)

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) 569-9400

RESOLUTION OF THE CITY OF NEWBURGH PLANNING BOARD

LET IT BE RESOLVED

At the Planning Board meeting held on December 17, 2024¹, the City of Newburgh Planning Board hereby moves to approve the following Site Plan, wherein the Applicant proposes to demolish the existing building and construct a mixed-use building with commercial space on the first and second floors, and residential units on the remaining floors (Mixed-Use with Residential).

Index No.	2020-09
Applicant's Name	Philippe Pierre
Property Owner	104 Washington St., LLC
Property Address	104 Washington Street (SBL 36-4-16)

LET IT BE FURTHER RESOLVED

That the above-referenced application includes a Land Development Application (form LDA01) received August 18, 2020 (5 pages); updated September 4, 2020 (7 pages), and August 8, 2024 (7 pages), and is supported with the following documents:

1. Land Development Application - Site Plan (form PB01), received September 4, 2020 (4 pages); updated August 8, 2024 (4 pages);
2. Site Plan, received August 18, 2020 (4 pages); updated September 15, 2020 (4 pages), September 25, 2020 (8 pages), October 26, 2020 (9 pages), March 31, 2021 (13 pages), April 2, 2021 (13 pages), August 8, 2024 (14 pages), November 8, 2024 (9 pages), and December 5, 2024 (8 pages);
3. Survey (1 page), received October 21, 2020;
4. Full EAF, part I, received August 18, 2020 (15 pages); updated September 25, 2020 (15 pages), August 8, 2024 (15 pages), November 19, 2024 (15 pages), and December 5, 2024 (15 pages);

¹ The applicant received its original project approval from the Planning Board on May 18, 2021. The approval expired. The Planning Board considered this application as a new application, but used the original application number (2020-09) for ease of reference.

5. Full EAF supporting document, Environmental Site Remediation Database Search, received September 25, 2020 (13 pages);
6. Phase I Environmental Site Assessment, received December 28, 2020 (368 pages);
7. Drainage Report – Partial SWPPP, received November 6, 2020 (74 pages); updated March 26, 2021 (60 pages);
8. Applicant Response Letter, dated October 26, 2020 (3 pages); updated November 6, 2020 (4 pages), March 26, 2021 (5 pages), and December 5, 2024 (5 page letter to City Engineer and 3 page letter to City Planner);
9. Comments of the New York State Department of Parks, Recreation, and Historic Preservation, dated October 13, 2020 (2 pages);
10. Comments of the New York State Department of Environmental Conservation, dated October 21, 2020 (e-mail correspondence, 2 pages);
11. Informational Inspection Report of the Building Inspector, dated June 11, 2020 (3 pages); updated September 1, 2020 (3 pages), and July 22, 2024 (2 pages);
12. Comments of the City Planner, dated September 15, 2020; October 20, 2020, May 18, 2021, August 28, 2024 (3 pages), and December 17, 2024 (4 pages); and
13. Comments of the City Engineer, September 15, 2020; updated October 20, 2020, March 16, 2021, April 20, 2021, May 18, 2021, November 19, 2024 (3 pages), and December 17, 2024 (6 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 mixed-use building with commercial space on the first and second floors, and residential units (14 total) on the remaining floors (Mixed-Use with Residential). 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 Downtown Neighborhood (DN) zone.
4. The proposed use is allowed pending Site Plan approval from the Planning Board.
5. The Planning Board first reviewed the updated application materials for the completeness on August 28, 2024. The Planning Board deemed the application substantially complete on December 17, 2024.

6. The Planning Board, pursuant to City Code Section 300-90, waived a public hearing on August 28, 2024 for the updated application.
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 for the updated application on August 28, 2024. The Planning Board declared itself as the Lead Agency for the environmental review of the Project pursuant to 6 NYCRR 617.6 on November 19, 2024. 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, and 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 December 17, 2024. 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 approval is still pending and required for the updated application project.
9. The Planning Board found that the City of Newburgh Architectural Review Commission approval is still pending and required for the updated application project.
10. 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 complied with the requirements of Chapter 300 of the City of Newburgh Code of Ordinances, and more specifically the criteria outlined in Sections 300-87 and 300-89.
11. The Planning Board found that items listed for consideration in Section 300-87 and 300-89 but not noted on the final representations made by the application were specifically considered and deemed waived. The Planning Board further found that such waiver would not have detrimental effects on the public health, safety, or general welfare or have the effect of nullifying the intent and purposes of the site plan submission, the City of Newburgh Master Plan, or Chapter 300 of the City of Newburgh Code of Ordinances.
12. 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 July 22, 2024;
2. The Applicant shall satisfy all comments set forth in the Comment Letter of the City Planner, dated December 17, 2024;
3. The Applicant shall satisfy all comments set forth in the Comment Letter of the City Engineer, December 17, 2024;
4. The Applicant shall obtain an approval from the City of Newburgh Architectural Review Commission for proposed exterior work at the Premises; and
5. The Applicant shall obtain an approval from the City of Newburgh Zoning Board of Appeals for necessary area variances related to the project.

Planning Board Votes (Index No. 2020-09)

Moved by: Alicia Ware

Seconded by: Weaver Debe

Lisa Daily, Chairperson

Weaver Debe, Member

Alicia Ware, Member

Duane Ware, Member

Aye Nay Abstain

☒	☐	☐
☒	☐	☐
☒	☐	☐
☒	☐	☐

Dated: December 17, 2024

Lisa Daily
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: 104 Washington Street		
Project Location (describe, and attach a general location map): 104 Washington Street, Newburgh, NY 12550		
Brief Description of Proposed Action (include purpose or need): The 104 Washington Street project is located in the City of Newburgh, Orange County, New York. The project consists of one parcel, Tax ID: 36-4-16 (±0.115 ac). The parcel is in the Downtown Neighborhood (DN) zoning district and contains an existing building. The proposed project entails demolishing the existing building to construct a new five (5) story mixed-use building consisting of 8,000 sqft of commercial space on the first and second floors, and 14 residential apartments on the upper 3 floors. The first floor consists of cottage industry, retail and office space. The second floor consists of office space. The City of Newburgh has a combined sewer overflow (CSO) system in the area of the project. The stormwater system will collect and convey the rooftop runoff from the proposed building to the CSO system in Washington Street. The stormwater system has been designed to reduce the runoff rates from the roof to below the existing conditions in an effort to reduce the impact of storm events on the City's CSO system. New water and sewer connections will be provided to the new building.		
Name of Applicant/Sponsor: 104 Washington St, LLC		Telephone: 917-545-4122
		E-Mail: ppp@libertygroupe.com
Address: 100 Third Street		
City/PO: Newburgh	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): Phillippe Pierre, President		Telephone: 917-545-4122
		E-Mail: ppp@libertygroupe.com
Address: 100 Third Street		
City/PO: Newburgh	State: NY	Zip Code: 12550
Property Owner (if not same as sponsor): Newburgh Community Landbank, Inc.		Telephone: 845-565-5360
		E-Mail: info@newburghcommunitylandbank.org
Address: 15 Chambers Street		
City/PO: Newburgh	State: NY	Zip Code: 12550

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, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village ☒ Yes ☐ No Planning Board or Commission	City of Newburgh Planning Board	Approved May 18, 2021; Amended August 7, 2024
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☒ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? Answers to questions B. (i) and (ii) are auto generated by the EAF mapper. Therefore, they cannot be changed. According to the City of Newburgh, the project site is not located within the Local Waterfront Revitalization Program boundaries.		☒ Yes ☐ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☒ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions	
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? ☐ Yes ☒ No	
- If Yes, complete sections C, F and G. - If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans	
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? ☒ Yes ☐ No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ 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?) ☐ Yes ☒ No	
If Yes, identify the plan(s): _____ _____ _____	
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? ☐ Yes ☒ 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?
DN - Downtown Neighborhood

b. Is the use permitted or allowed by a special or conditional use permit? Permitted by site plan approval ☐ 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

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

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

d. What parks serve the project site?
Safe Harbors Green; City of Newburgh Waterfront Trail,

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)? Mixed use containing 8,000 sqft of commercial use with 14 residential units above.

b. a. Total acreage of the site of the proposed action? 0.1148 acres
b. Total acreage to be physically disturbed? 0.1148 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.1148 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: 18 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.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				14 residential apartments
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: 60 height; 50 width; and 88 length
 iii. Approximate extent of building space to be heated or cooled: 20,000 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: _____
 ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

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: (Water calculation based upon 21 residential bedrooms @ 110 GPD/bedroom, and 20 employees @ 12 GPD/employee)

i. Total anticipated water usage/demand per day: _____ 2,550 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: _____ 2,550 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 from residential apartments and commercial space.

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

• Do existing sewer lines serve the project site? ☒ Yes ☐ No • Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☒ No If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
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): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
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? ☐ Yes ☒ No If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ _____ 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)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? ☐ Yes ☒ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☒ Yes ☐ No	
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? ☐ Yes ☒ No If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
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? ☐ Yes ☒ No If Yes: 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) ☐ Yes ☐ No ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

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): _____

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): _____

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): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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 ½ 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

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: _____
Approximately 180,000 KWh commercial, and 88,200 KWh for residential

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 Gas and Electric Co. _____

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: _____ 8 AM - 7 PM
- Saturday: _____ 9 AM - 5 PM
- Sunday: _____ 9 AM - 5 PM
- Holidays: _____ -

ii. During Operations:

- Monday - Friday: _____ 8 AM - 10 PM
- Saturday: _____ 9 AM - 10 PM
- Sunday: _____ 9 AM - 10 PM
- Holidays: _____ Varies

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: <u>Typical noise for heavy machinery and building construction between 8 AM and 7 PM per day.</u>	
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: <u>Building mounted lighting at door entryways 8 ft mounting height, down directional and shielded, led dark sky compliant fixtures</u>	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____	
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:

Uses consist of a mixture of commercial retail, food service and residential uses.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.042	0.10	+ 0.059
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.076	0	-0.076
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Landscaped areas	0	0.0166	+0.0166

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: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

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: _____

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): _____
☒ 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): C336098, 336036, B00188, 336042, 336055, 546031
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
See attached Remediation database reports for each site.

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

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ N/A feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Urban land _____ 100%
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: _____ N/A feet

e. Drainage status of project site soils: ☐ Well Drained: _____ % of site
☒ Moderately Well Drained: 100% of site
☐ Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 100% of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % 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 _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ 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? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500-year 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

m. Identify the predominant wildlife species that occupy or use the project site: _____ Raccoon _____ American Robin _____ white Tail Deer _____ Squirrel _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: _____ • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
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? ☒ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ Bald Eagle, Atlantic Sturgeon, Shortnose Sturgeon _____ It was concluded in 2021 that the listed endangered species will not be impacted by the proposed project	
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? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
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? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☒ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

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: New York State Armory, Washington's Headquarters, East End Historic District

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

Washington's Headquarters is within 500 feet of the proposed project. No impacts are anticipated.

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 Highlands Park/Mount Beacon

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State Park and Scenic Byway

iii. Distance between project and resource: 3.6 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 6 NYCRR 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.

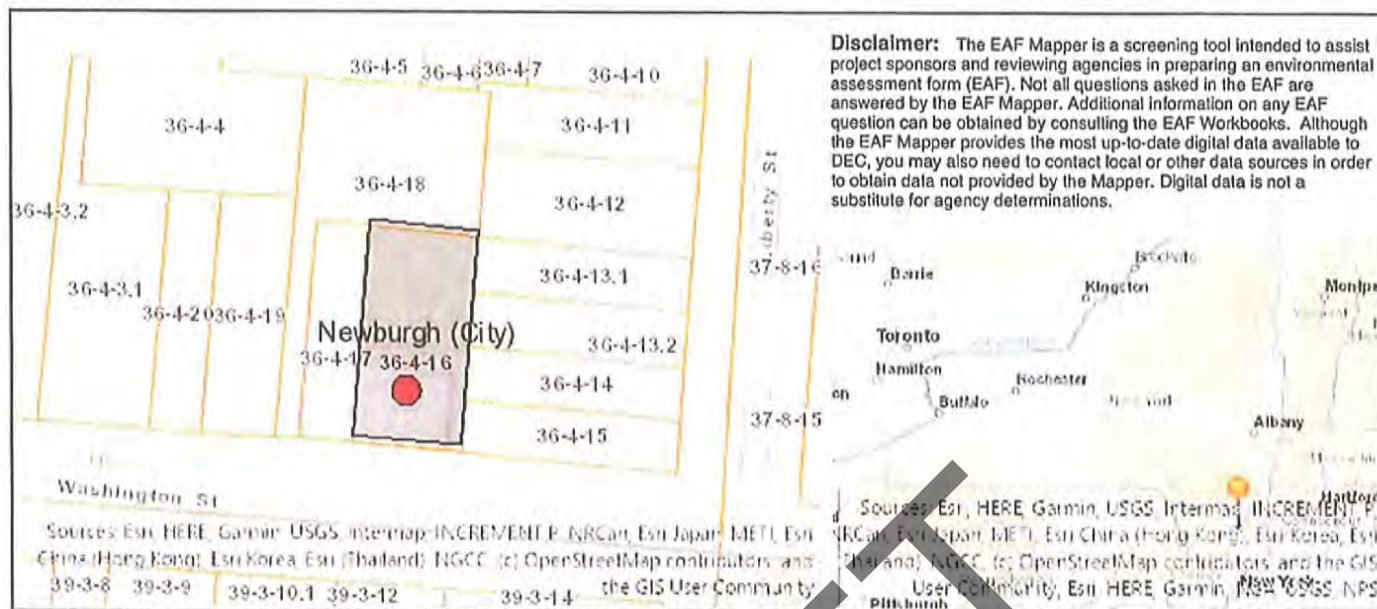
Applicant/Sponsor Name 104 Washington Street, LLC

Date 12/6/2024

Signature

Title

PRINT FORM



B.1.i [Coastal or Waterfront Area]	Yes
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
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]	C336098, 336036, B00188, 336042, 336055, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
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]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle, Atlantic Sturgeon, Shortnose Sturgeon
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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	, New York State Armory, Washington's Headquarters, East End Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

DRAFT



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at
[DECInfoLocator](#)

Administrative Information

Site Name: CH - Water St. - Newburgh MGP

Site Code: 336042

Program: State Superfund Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: South Water St

City: Newburgh **Zip:** 12550-

County: Orange

Latitude: 41.495065604

Longitude: -74.008043544

Site Type: STRUCTURE

Estimated Size: 1.8 Acres

Site Owner(s) and Operator(s)

Hazardous Waste Disposal Period

From: 1881 **To:** 1951

Site Description

Location: The former MGP site occupies 1.8 acres along Water Street in the southern end of the City of Newburgh, Orange County. The property is roughly rectangular, bordered on the north by South William Street, on the east by South Water Street, on the south by Renwick Street, and on the west by South Colden Street. **Site Features:** The site is currently owned by Central Hudson Gas and Electric Corporation and is occupied by a natural gas regulator station, and one control building. The entire site is secured by a chain-link fence. **Current Zoning:** The site is currently zoned for commercial use, and the surrounding land uses are a mix of commercial and industrial. The closest residential area is

approximately 135 feet to the west. Past Uses of the Site: Until 2013 the site operated as both a natural gas regulator station as well as a propane peaking facility. In 2013 the six underground propane storage tanks that were used to provide extra gas to the local area during periods of peak demand were decommissioned and removed from the property. The manufactured gas plant began operations in 1876 under the name Consumers Gas Company. The plant used the Lowe carburetted water gas process. Through a series of consolidations and mergers in the early 20th century, the MGP came under the control of Central Hudson Gas and Electric Corporation. The plant was expanded several times during its lifetime, and eventually reached its maximum size and production capacity in approximately 1910. By 1929, gas pipelines had been constructed to link Newburgh to other MGPs under Central Hudson's control, allowing production to be shifted between different MGPs. The Newburgh plant was placed in standby status in 1929, and gas production at the plant decreased sharply. The MGP plant was demolished in 1951. Based on land uses and physical characteristics, the site was divided into three distinct areas (Area A, B and C). Area A consists of the former MGP site. Area B consists of a transportation corridor (South Water Street and a CSX Transportation Inc. railroad right-of-way) and the City of Newburgh sewage treatment plant (STP). Area C is a portion of the Hudson River offshore from the City of Newburgh STP. Site Geology and Hydrogeology: The MGP site itself sits on a relatively steep hillside, with a thin layer of fill materials and glacial till overlying shale bedrock. The total thickness of these overburden materials varies from a few feet at the western edge of the site to over 20 feet along the eastern edge. Bedrock slopes steeply to the east on the western side of the site and then levels off to the east. The bedrock is a highly folded and deformed shale. Progressing further to the east toward the Hudson River, the soil deposits become thicker and more complex beneath the STP property. Beneath the fill lies a sequence of bedded sand, silt, and clay deposits. The total depth to bedrock increases to over 60 feet along the river's edge. Depth to groundwater is approximately 10-15 feet below ground surface, and flows to the east towards the Hudson River.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

coal tar

Site Environmental Assessment

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were benzene, toluene, ethylbenzene, xylene, total PAHs, and coal tar in soil, groundwater and sediments. Remedial actions have successfully achieved soil cleanup objectives for commercial use. Residual contamination in the soil and groundwater is being managed under a Site Management Plan (SMP). Prior to Remediation: Soil, groundwater and sediments were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), and pesticides. Prior to remediation, the primary contaminants of concern include benzene, toluene, ethylbenzene and xylenes (collectively known as BTEX); and SVOC compounds known as polycyclic

aromatic hydrocarbons (PAHs). Soil- Based on soil borings completed at the site, the fill material in the relief holder foundation, the soils surrounding the foundation, and/or the bedrock nearby are heavily contaminated with coal tar. Surface Soil- There were no volatile organic compounds (VOCs) detected in the surface soil samples. The following PAHs were found to exceed their respective soil cleanup goals: benzo(a)anthracene ranged from 0.085 to 4.7 parts per million (ppm)(SCG of 0.224 ppm); benzo(a)pyrene ranged from 0.1-4.6 ppm (SCG of 0.061 ppm); benzo(b)fluoranthene ranged from 0.12 to 3.5 ppm (SCG of 1.1 ppm); benzo(k)fluoranthene ranged from 0.1 to 4.6 ppm (SCG of 1.1 ppm); and chrysene ranged from 0.11 to 5.1 ppm (SCG of 0.40 ppm). Subsurface soil- These soils have been contaminated by the movement of coal tar. Samples of coal tar from the site had detections of benzene up to 880 ppm; toluene up to 1,500 ppm; ethylbenzene up to 4,600 ppm; and xylenes up to 3,900 ppm. For SVOCs, total PAHS (tPAH) were detected up to 231,250 ppm. Soils surrounding the coal tar had elevated detections of benzene (20 ppm); toluene (34 ppm); ethylbenzene (320 ppm); xylenes (380 ppm); and total PAHs (3,300 ppm). Groundwater- The groundwater contamination is evenly distributed across all areas of the site. Benzene was found at a maximum concentration of 4,100 parts per billion (ppb)(SCG of 1.0 ppb); toluene had a maximum of 610 ppb (SCG of 5 ppb); ethylbenzene had a maximum of 460 ppb (SCG of 5 ppb); xylene had a maximum of 660 ppb (SCG of 5 ppb); and total PAHs had a maximum of 18,816 ppb. Sediments- The sediments have been found to be impacted by both coal tar and PAHs. The VOCs detected were benzene at a maximum concentration of 2,500 ppm (SCG of 28 ug/g oc); toluene at a maximum of 240 ppm (SCG of 49 ug/g oc); ethylbenzene at a maximum of 420 ppm (SCG of 24 ug/g oc); and xylene at a maximum of 15,000 ppm (SCG of 92 ug/g oc). Total PAHs ranged from 0.275 to 9,811 ppm (SCG of 4 ppm or background of 20 ppm). The riverfront barrier wall and off shore dredging components of the remedy were largely completed in the fall of 2010. No tar sheens have been observed on the river since that time. Excavation of area A (the former plant site itself) was completed several years ago. Excavation of the last remaining portion of area A, which had been covered with propane storage tanks was completed in 2016. Monitoring activities (NAPL monitoring, groundwater sampling) at the site are governed by a Site Management Plan.

Site Health Assessment

Remedial actions are complete and measures are in place to control the potential for coming into contact with residual contamination remaining in subsurface soil, groundwater and soil vapor on the site and in soil and groundwater for the affected off-site area.

For more Information: [E-mail Us](#)

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**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at
[DECInfoLocator](#)

Administrative Information

Site Name: 7-11 Johnes Street

Site Code: B00188

Program: Environmental Restoration Program

Classification: A

EPA ID Number:

Location

DEC Region: 3

Address: 7-11 Johnes Street

City: Newburgh (c) **Zip:** 12550-

County: Orange

Latitude: 41.494801446

Longitude: -74.010604706

Site Type:

Estimated Size: 0.17 Acres

Site Owner(s) and Operator(s)

Current Owner Name: City of Newburgh

Current Owner(s) Address: 83 Broadway
Newburgh, NY, 12550

Site Document Repository

Name: Newburgh Free Library

Address: 124 Grand Street

Newburgh, NY 12550

Name: NYSDEC Region 3 Office

Address: 21 S Putt Corners Road

New Paltz, NY 12561

Site Description

Location: The 7-11 Johnes Street site is located in an urban portion of the City of Newburgh, Orange County. The site is located approximately 0.2 miles south of Washington Headquarters Park. Site Features: The site is approximately 0.18 acres in size and is presently vacant. A dilapidated building sat on the northern two thirds of the site before it was demolished in late 2012, and the southern third of the site is a grass lawn. There are no ecological resources or surface water bodies at or near the site. Current Zoning/Use: The site is currently inactive. The site is zoned downtown neighborhood which allows for commercial or residential use. The surrounding parcels currently have a combination of commercial, light industrial, and residential uses. Past Uses of the Site: The site was a former dry cleaning business at which petroleum was stored underground. The business operated for approximately 40 years (from 1954) until the City of Newburgh took the property for back taxes. Three underground storage tanks (USTs) were removed, and 362 tons of impacted soil was excavated and disposed of off-site in August 2000. The tanks were reportedly deteriorated and had leaked their contents into the soil and groundwater. A spill was reported to the Department due to the poor condition of the tanks. Initial screening showed petroleum related volatile organic compounds (VOCs) in exceedance of soil cleanup objectives (SCOs). Site Geology and Hydrogeology: Overburden soils consist of urban fill with some debris underlain by sand, silt, and gravel to depths of between 15 and 20 feet below grade. Bedrock was not encountered or investigated during the remedial investigation. Shallow groundwater was observed at depths ranging from 3 to 15 feet below grade. Shallow groundwater flows southeast across the site towards Johnes Street. In the southeast corner of the site groundwater is not present in overburden soils. Storm water from the site flows onto Johnes Street and into the City storm sewer system.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

n-propylbenzene
1,2,4-trimethylbenzene
benzo(a)anthracene
benzo(b)fluoranthene
chrysene
benzene
mercury
lead
benzo(a)pyrene
sec-butylbenzene
dibenz[a,h]anthracene
isopropylbenzene

Site Environmental Assessment

Following the IRM, a remedial investigation (RI) was completed. Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals,

polychlorinated biphenyls (PCBs), and pesticides. Based upon the investigations conducted, the primary contaminants of concern include SVOCs, lead and mercury in shallow soils, VOCs in subsurface soil, and VOCs in groundwater. Soil γ VOCs are found in subsurface soil at levels that exceeded the soil cleanup objectives (SCOs) for the protection of groundwater. These VOCs include 1,2,4 trimethylbenzene at concentrations up to 470 parts per million (ppm), benzene at 0.22 ppm, and isopropylbenzene at concentrations up to 12 ppm. The presence of these VOCs in subsurface soil is indicative of residual weathered petroleum which remained following the removal of underground storage tanks. SVOCs and metals are found in shallow and subsurface soil in exceedance of SCOs. Polycyclic aromatic hydrocarbons (PAHs), a subset of SVOCs are present at levels that only slightly exceed restricted-residential SCOs. Lead was observed at a maximum concentration of 710 ppm in soil, and mercury was observed at a maximum concentration of 5.1 ppm in soil. Soil contamination attributable to site sources does not extend off-site. Groundwater γ VOCs are found in groundwater in exceedance of groundwater standards. These VOCs include 1,2,4 trimethylbenzene at concentrations up to 550 part per billion (ppb), isopropylbenzene at concentrations up to 29 ppb, n-propylbenzene at concentrations up to 61 ppb, and sec-butylbenzene at concentrations up to 45 ppb. The presence of these VOCs in groundwater is indicative of impacts from soil containing weathered petroleum compounds. On-site monitoring wells located down-gradient of subsurface soil and groundwater VOC contamination are not contaminated with VOCs, indicating that VOC contamination has not migrated off-site. SVOCs and metals were also found to exceed groundwater standards. SVOC and metals concentrations are highest at the most up-gradient well on the site, and therefore are likely attributable to an up-gradient and off-site source. Soil Vapor γ No soil vapor sampling was conducted as there are presently no on-site structures.

Site Health Assessment

The majority of the site is covered with one foot of clean stone, however, people who enter the site could contact contaminants in the soil by walking on the uncovered portions of the site or if digging below the stone cover. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a different source not affected by this contamination. Volatile organic compounds in the soil or groundwater may move into the soil vapor (air spaces with the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Because there is no on-site building, inhalation of site contaminants in indoor air due to soil vapor intrusion does not represent a concern for the site in its current condition. However, the potential exists for the inhalation of site contaminants due to soil vapor intrusion for any future development. In addition, sampling indicates soil vapor intrusion is not a concern for off-site buildings.

For more Information: [E-mail Us](#)

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**Department of
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Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

Administrative Information

Site Name: American Felt & Filter Company, Inc.

Site Code: 336036

Program: State Superfund Program

Classification: 04

EPA ID Number:

Location

DEC Region: 3

Address: Walsh Avenue

City: New Windsor **Zip:** 12550

County: Orange

Latitude: 41.48829145

Longitude: -74.01458239

Site Type: DUMP

Estimated Size: 0.545 Acres

Institutional And Engineering Controls

Control Type:

[Environmental Easement](#)

Control Elements:

Ground Water Use Restriction

Vapor Mitigation

Soil Management Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

O&M Plan

IC/EC Plan

Site Owner(s) and Operator(s)

Current Owner Name: American Felt & Filter Company Inc.

Current Owner(s) Address: 361 Walsh Avenue
New Windsor, NY, 12553

Site Document Repository

Name: NYSDEC

Address: 21 S Putt Corners Rd
New Paltz, NY 12561

Name: Newburgh Free Library

Address: 124 Grand St
Newburgh, NY 12550

Hazardous Waste Disposal Period

From: 1940s **To:** present

Site Description

Location Description: The American Felt and Filter Corporation is located at 361 Walsh Avenue, approximately one-quarter mile east of the intersection with Route 9W in the Town of New Windsor. The site is located in a suburban setting. The Hudson River lies approximately 1000 feet to the east of the site. **Site Features:** The American Felt & Filter Company Inc. complex is an active manufacturing facility consisting of four buildings on 23 acres. The site, as defined by the environmental easement, consists of the Piano Felt Building and adjacent land comprising one half acre. The Quassaick Creek runs adjacent to the north edge of the site. Other AFFCO buildings surround the remainder of the site. The nearest residence is approximately 400 feet away. Potable water is supplied by the New Windsor Water Department. **Current Zoning and Land Use:** The current zoning is industrial. The site has been used for the manufacture of felt and felt products since the late 1800's. The area surrounding the site is mostly undeveloped. A large steeply sloping vacant property lies to the south and is used to store motor vehicles. An asphalt plant lies to the west of the automobile storage facility, while additional commercial properties are located further west along Route 9W. East of the site lie vacant lands stretching down to River Road. The area around the site generally slopes down from west to east, from Route 9W to the Hudson River. **Past Use of the Site:** 1,1,1-trichloroethane (TCA) was used in the manufacture of felt and felt products. Handling and storage practices appear to have led to releases of TCA. The use of TCA was reportedly stopped in 1992. **Site Geology and Hydrogeology:** Bedrock beneath the site consists of alternating layers of hard sandstone and softer shale which have been folded so that the original horizontal beds now dip at steep angles. A 20-55 foot thick layer of glacial till overlies the bedrock. A glacial outwash deposit overlies the till. Its thickness ranges from 10 feet to over 50 feet. Overburden groundwater flows to the northeast to Quassaick Creek. Groundwater generally occurs within five feet of the ground surface.

Summary of Project Completion Dates

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into

operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Project Completion Dates

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

1,1,1-TRICHLOROETHANE (TCA) (F001)

Site Environmental Assessment

Nature and Extent of Contamination: Based upon investigations conducted to date, the primary contaminant of concern at the site is 1,1,1-trichloroethane (TCA). **Prior to Remediation:** Soil - TCA was found in subsurface soil in the vicinity of the former storage area. Results of soil testing conducted in May of 2011 showed levels of TCA ranging up to 5,270 parts per million (ppm). The soil cleanup objective for unrestricted use is 0.68 ppm. Groundwater - TCA was found in groundwater in the vicinity of the former storage area. TCA was detected at levels up to 2,800 parts per billion (ppb) in groundwater, exceeding the groundwater standard of 5 ppb. Also, 1,1 dichloroethane was found in groundwater in concentrations ranging up to 5,400 ppb, exceeding the groundwater standard of 5 ppb. Soil gas - TCA was detected in sub-slab soil gas in concentrations up to 539 micrograms per cubic meter. **Post Remediation:** Remediation at the site is complete. Prior to remediation the primary contaminant of concern was TCA in soil and groundwater. Remedial actions have successfully achieved soil cleanup objectives for commercial use. Residual contamination in the soil, groundwater and soil vapor is being managed under a Site Management Plan.

Site Health Assessment

Remedial actions are complete and measures are in place to control the potential for coming into contact with residual remaining subsurface soil, groundwater and soil vapor contamination.

For more Information: [E-mail Us](#)

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Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

Administrative Information

Site Name: Consolidated Iron & Metal

Site Code: 336055

Program: State Superfund Program

Classification: 04

EPA ID Number:

Location

DEC Region: 3

Address: 1 Washington Street

City: Newburgh **Zip:** 12550

County: Orange

Latitude: 41.49779

Longitude: -74.0057284

Site Type: LANDFILL

Estimated Size: 8.33 Acres

Institutional And Engineering Controls

Control Type:

[Environmental Easement](#)

Control Elements:

Ground Water Use Restriction

Soil Management Plan

Cover System

Subsurface Barriers

Fencing/Access Control

Landuse Restriction

Monitoring Plan

Site Management Plan

Site Owner(s) and Operator(s)

Current Owner Name: City of Newburgh

Current Owner(s) Address: 83 Broadway
City of Newburgh, NY, 12550

Hazardous Waste Disposal Period

From: 1960 **To:** 1999

Site Description

Location: The Consolidated Iron and Metal site is a former car and scrap metal junk yard, occupying approximately 8 acres of land bordering the Hudson River in the City of Newburgh, Orange County. The site is bordered by a boat marina to the north, Conrail railroad tracks and South Water Street to the west, and a wastewater treatment plant to the south. **Site Features:** The site is undeveloped and the topography is flat. The shoreline is stabilized with riprap along the river's edge. The site is secured with a chain-linked fence. Gates for site entry exist at the northern and southern portions of the site. **Current Zoning and Land Use:** The site is a vacant lot. The site is zoned for mixed use, including residential, recreational, and commercial uses. **Past Use of the Site:** From World War I until the early 1940s, the Eureka Shipyard operated at the site. Consolidated Iron & Metal carried out scrap metal processing and storage operations for about 40 years before the facility's closure in 1999. A smelter operated on-site between 1975 and 1995 that was used primarily to melt aluminum-containing materials, including transmissions, to produce aluminum ingots. However, other metallic materials were also smelted, creating a lead-contaminated ash and slag by-product. Sorting of Ferrous and non-ferrous metal scrap, including automobile batteries, for processing also occurred on-site. **Site Geology and Hydrology:** The site is underlain by a stratified clay, silt, and sand unit with layers of sand and gravel at the land surface and below the water table. The unconsolidated deposits are underlain by the Martinsburg Formation, which consists of shale and carbonate rocks (e.g., limestone and dolostone). The bedrock is cross-cut by faults near the site.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

lead

PCB oil

Site Environmental Assessment

Remediation at the site is complete. Prior to remediation, primary contaminants of concern included lead and polychlorinated biphenyls (PCBs) in soils and VOCs in groundwater. Remedial actions have successfully achieved soil cleanup objectives for restricted residential use. Residual contamination in the soil and groundwater is being managed under a Site Management Plan.

Site Health Assessment

The site is fenced and a soil cap is in place; therefore, people are not likely to contact contaminated soils. Contaminated groundwater at the site is not used for drinking or other purposes, and the site is served by a public water supply that obtains water from a different source not affected by this contamination. Volatile organic compounds in the soil or groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. The potential for soil vapor intrusion to occur will be evaluated should any new construction occur on-site. Sampling indicates soil vapor intrusion is not a concern for off-site buildings.

For more Information: [E-mail Us](#)

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Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

Administrative Information

Site Name: Hudson River PCB Sediments

Site Code: 546031

Program: State Superfund Program

Classification: 02

EPA ID Number:

Location

DEC Region: 5

Address: Hudson River, Hudson Falls-NYC Battery

City: Zip: 12180

County: Saratoga

Latitude: 43.286475666

Longitude: -73.595363441

Site Type:

Estimated Size: 0 Acres

Site Owner(s) and Operator(s)

Current Owner Name: New York State

Current Owner(s) Address:

,ZZ,

Current Owner Name: STATE OF NEW YORK

Current Owner(s) Address:

,ZZ,

Owner(s) during disposal: STATE OF NEW YORK

Current On-Site Operator: NYS Department of Transportation

Stated Operator(s) Address: State Campus - Building 5
Albany, NY 12233

Site Document Repository

Name: US Epa

Address: 187 Wolf road
colonie, NY

Hazardous Waste Disposal Period

From: 1946 To: present

Site Description

Site Location: This National Priorities List site includes the nearly 200-mile stretch of the Hudson River that extends from Hudson Falls in Washington County to the Battery in New York City. The river is part of the Champlain Canal between Fort Edward and Waterford. EPA is the lead agency for the investigation and cleanup of the site. Site Features: The site includes the main stem of the Hudson River, as well as the associated flood plains, river banks, riverine fringing wetlands, and backwater areas. Current zoning / uses: The river is currently used for recreation, transportation, and as a source of water for drinking and other purposes. The river floodplain areas include all types of land uses, from passive / recreational to residential to commercial / industrial. Historical uses: The General Electric Company (GE) discharged PCBs into the river from two capacitor manufacturing plants located in Hudson Falls and Fort Edward starting sometime in 1946. Previous investigations identified 40 areas or 'hot spots' in the upper Hudson that had sediments contaminated with greater than 50 ppm of PCBs. Also included in the definition of this site are five Remnant Deposits or river sediment areas that were exposed when the level of the river was lowered when the Fort Edward Dam was removed in 1973. EPA issued a Record of Decision (ROD) for this National Priorities List site on September 25, 1984 which included: in-place containment of the Remnant Deposits; evaluation of downstream domestic water quality at Waterford, New York; and interim 'No Action' as to the PCB-contaminated river sediment. The 1984 ROD indicated that both the No Action decision for the river sediments and the containment remedy for the Remnant Deposits might be reexamined by EPA in the future. The containment remedy for the Remnant Deposits was performed by GE under a 1990 Consent Decree with EPA. In addition, in 1990, NYSDEC completed the evaluation of downstream domestic water quality at Waterford, New York, which concluded that PCB concentrations were below analytical detection limits after treatment and met standards applicable to public water supplies. In December 1989, EPA announced its decision to initiate a detailed Reassessment Remedial Investigation/Feasibility Study (RI/FS) of the September 1984 decision concerning the PCB contaminated Hudson River sediments. The Reassessment culminated with EPA's issuance of a second ROD for the site in February 2002 which included the dredging of an estimated 2.65 million cubic yards of PCB contaminated sediments from the Upper Hudson River (between Fort Edward and Troy), which was estimated in the ROD to contain about 66,300 kilograms of total PCBs (approximately 65% of the total PCB mass estimated to be present within the Upper Hudson River). The ROD also identified further evaluation of PCB contamination in the flood plains concurrent with the design phase of the project. EPA issued a series of Orders to GE for performance of the engineering design for the project. Phase 1 dredging commenced in May 2009, and was completed in October 2009. After completion of Phase 1, EPA reviewed the environmental monitoring and operational data to determine the changes to the project standards and to project design specifications for Phase 2. The changes to the project for Phase 2 were provided to GE in December 2010. GE, in accordance with the Consent Decree for the site, opted to implement Phase 2 of the remedy on 12/31/10.

Construction work for Phase 2 of the remedial project started in 2011, and was completed in 2016. Dredging was completed in fall 2015; habitat reconstruction was completed in 2016. Facility decommissioning was performed in 2016. For more information on the Hudson River Fish advisory, copy and paste this link into a web browser:

https://www.health.ny.gov/environmental/outdoors/fish/hudson_river/advisory_outreach_project/

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

polychlorinated biphenyls (PCB)

PCB aroclor 1254

cadmium

lead

PCB aroclor 1242

PCB aroclor 1016

Site Environmental Assessment

Nature and extent of contamination: Contaminants: The primary constituent of concern is PCBs, discharged from two GE capacitor plants in Hudson Falls and Fort Edward. The upstream extent of contamination is the portion of the river immediately above the Bakers Falls Dam at the GE Hudson Falls plant site. The downstream extent of contamination is the Atlantic Ocean. The commercial mixtures of PCBs discharged from the two GE plant sites changed over time; initially aroclor 1254, changing to aroclor 1242 and then to aroclor 1016. Contaminant Concentrations: PCBs have been found in excess of standards, criteria and guidance concentrations (SCGs) in sediments, surface water, biota, air, and soils at the Hudson River PCBs site. The primary sources at the plant sites have been almost completely abated through remedial work at the plant sites; as a result, the primary source of PCB to the surface water and biota of the river are the contaminated sediments in the river south of the plant sites. Prior to remediation of the Upper Hudson River from 2009 to 2016, PCB concentrations in sediment range from non-detect to greater than one percent PCB (> 10,000 parts per million). In surface water typically concentrations range from 2 nanograms per liter (ng/l or parts per trillion) to 100 ng/l, except at times of high flow when scour-driven remobilization of contaminated sediments can cause much higher concentrations in excess of 1 microgram per liter (1 ug/l or part per billion). Investigations are underway to determine the extent of floodplain impacts. To date, PCB concentrations in excess of 500 milligrams per kilogram (mg/kg or part per million) have been found in limited areas. The nature and extent of floodplain soil contamination has not yet been established. The Lower Hudson portion of the NPL site has not be fully investigated to date. Significant threat: PCB contamination in the Hudson River sediments continue to pose a significant threat to human health and/or the environment. Concentrations in PCBs in biota directly attributable to the waste disposal at the site have led the Department of Health to recommend that human consumption of biota be limited over a substantial portion of the Hudson River between Hudson Falls and the Battery in New York City.

In the upper Hudson, the fishery is catch and release only, and the NYSDOH advisory is to eat none. To see the fish consumption advisories, go to: <https://www.health.ny.gov/publications/2794.pdf> and https://www.health.ny.gov/environmental/outdoors/fish/hudson_river/advisory_outreach_project/ The disposal of PCB into the Hudson River has also led to significant environmental damage as defined in 6 NYCRR Part 375. This site has been included in the Federal National Priorities List (NPL).

Site Health Assessment

Consumption of fish is the major potential route of human exposure to PCBs from this site. Because of site impacts, most fish from the Hudson River downstream of Hudson Falls have elevated PCB levels. Fishing is restricted to catch and release, with a "eat none" advisory for fish consumption, from Hudson Falls to Troy. In addition, there are advisories ("eat none" or "eat no more than 1 meal per month") on consumption of several fish species caught from the Hudson River below the Troy Dam to New York Harbor. People may come into contact with contaminants present in the shallow river sediments while entering or exiting the river during recreational activities, and may also come into contact with contaminants present in floodplain soils. This direct contact route of exposure is present primarily in the upper Hudson between Hudson Falls and Troy. Under USEPA and State oversight has taken actions at several properties along the Hudson River to address PCB contaminated floodplain soils between Hudson Falls and Troy. These actions vary from deploying signs to installing various covers and are intended to reduce exposures to PCBs in floodplain soils until a permanent remedy is developed. Additionally, a remedial investigation to address floodplain soils in the Upper Hudson River Floodplain under USEPA and State oversight is now underway.

For more information: [E-mail Us](#)

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Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

Administrative Information

Site Name: 60 William Street Development

Site Code: C336098

Program: Brownfield Cleanup Program

Classification: A

EPA ID Number:

Location

DEC Region: 3

Address: 58-60 William Street

City: Newburgh Zip: 12550

County: Orange

Latitude: 41.497636111

Longitude: -74.016302778

Site Type:

Estimated Size: 0.178 Acres

Site Owner(s) and Operator(s)

Current Owner Name: 60 William St. LLC

Current Owner(s) Address: 175 Hooper Street
Brooklyn, NY, 11211

Site Document Repository

Name: Newburgh Free Library

Address: 124 Grand Street

Newburgh, NY 12550

Site Description

Site Location The Proposed Brownfield Cleanup Program (BCP) site is located at 58-60 William Street, Newburgh, NY 12550 (Site). The approximately 7,755-square-foot (sf) Site is located in Orange County, New York and identified as Section 38, Block 3, Lots 31 and 32 (pending lot merger). The Site is bound by multi-story residential buildings to the north, mixed-use commercial and residential buildings to the south, William Street followed by mixed-use commercial and residential buildings to the east, and a recreational playground to the west. The Site is located within an urban area characterized by single to multi-story mixed-use commercial and residential buildings. **Site Features** The Site is composed of one rectangular-shaped lot improved with one vacant two-story residential building that covers a portion of the Site footprint (Lot 31) and one irregular-shaped lot that is currently vacant and undeveloped (Lot 32). Lot 32 was previously developed with two buildings that operated as an auto repair shop and service station and has two underground storage tanks (USTs) located on the southern portion and northeast corner of the lot, as identified during the May 2022 ground-penetrating radar (GPR) survey. The Site has remained relatively unchanged since the late-1980s when the buildings on Lot 32 were demolished. Lot 32 and the structure on Lot 31 have been vacant since the applicant acquired the property in July 2022 (Lot 32) and January 2023 (Lot 31). **Current Zoning and Land Use** According to the City of Newburgh Zoning Map dated 1 September 2015, the Site is located in a commercial zoning district (CD) within the East End Historic District. The proposed development of this property is consistent with the current zoning. **Past Site Use** Based on a Phase I Environmental Site Assessment (ESA), the Site was developed with a shed and a two-story dwelling on Lot 32, and a dwelling was developed on Lot 31 by 1884. By 1890, the dwelling on Lot 32 appears to have been divided into two separate three-story dwellings. By 1913, the dwellings on Lot 32 were labeled as "flats," and an operating blacksmith was depicted on the northeast corner of Lot 32, while a shed appears to have been added on to the western end of the dwelling on Lot 31 and another shed built on the southwestern portion of Lot 31. In the 1957 Sanborn map, gasoline tanks are depicted on the southern portion of Lot 32 and in the northeast corner of Lot 32 bordering Lot 31. The gasoline tanks are present on Sanborn maps from 1957 to 1971. By the late 1960s, the buildings previously depicted on Lot 32 were shown as an auto repair shop and service station, operating as "Sam & Irv's Service Station," while the rest of the Site remained relatively unchanged. It is unknown how long the service station remained in operation; however, the buildings on Lot 32 were depicted as demolished by 1987. Lot 32 and the Site building located on Lot 31 are currently vacant, and the structure remains unchanged since at least 1913. **Site Geology and Hydrogeology** Based on findings from the April 2023 Limited Phase II Environmental Site Investigation (ESI), material generally underlying the Site consists of light to dark brown, coarse to medium silty sand and varying amounts of brick, gravel, and concrete was observed from surface grade

to approximately 4 to 6 feet below grade surface (ft bgs) in each soil boring. Surficial soils were underlain by a potential native layer consisting of light brown to orange-brown coarse to medium sand with varying amounts of silt, clay, gravel, and ceramic pieces. The topography of the Site is generally flat. The ground level elevation on the site is approximately 145 ft above mean sea level (amsl). Groundwater was encountered at approximately 10.5 ft bgs during the April 2023 Limited Phase II ESI. The inferred regional groundwater flow direction for the area surrounding the site is to the east based on proximity to the Hudson River.

Site Environmental Assessment

Information submitted with the BCP application regarding the environmental condition at the site are currently under review and will be revised as additional information becomes available.

Site Health Assessment

Information submitted with the BCP application regarding the conditions at the site are currently under review and will be revised as additional information becomes available.

For more Information: [E-mail Us](#)

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

Agency Use Only [If applicable]	
Project :	2020-09
Date :	December 17, 2024 (updated)

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.

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

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	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

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	☐	☐
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	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
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	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
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.	D2c	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____		☐	☐
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4. Impact on groundwater 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) If "Yes", answer questions a - h. If "No", move on to Section 5.			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☒	☐
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	☒	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☒	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☒	☐
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	☒	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☒	☐
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	☒	☐
h. Other impacts: _____		☒	☐

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

g. Other impacts: _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☒ NO ☐ YES (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>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 ₂)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
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	☐	☐
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	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☒ NO ☐ YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐

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	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
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	☐	☐
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	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

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

9. Impact on Aesthetic Resources

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.)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
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	☐ ☐	☐ ☐
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 E2g, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/4 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO☒ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☒	☐
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	☒	☐
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	☒	☐

d. Other impacts: _____		☒	☐
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	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
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	☐	☐

11. Impact on Open Space and Recreation 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.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☒	☐
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	☒	☐
c. Other impacts: _____		☒	☐

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	☒	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☒	☐
c. The proposed action will degrade existing transit access.	D2j	☒	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☒	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☒	☐
f. Other impacts: _____		☒	☐

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	☒	☐
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	☒	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒	☐
e. Other Impacts: _____		☒	☐

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	☒	☐
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	☒	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☒	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☒	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☒	☐
f. Other impacts: _____		☒	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
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	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part I. C.1, C.2. and C.3.)

☒ NO☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	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	☐	☐
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	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
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	☐	☐
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	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part I. C.2, C.3, D.2, E.3)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	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	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
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	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

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.: 2020-09 (updated)

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:

Signature of Preparer (if different from Responsible Officer)

Date: December 17, 2024

For Further Information:

Contact Person: Jeremy Kaufman

Address: 83 Broadway, Newburgh, NY 12550

Telephone Number: 845-569-7335

E-mail: 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. 2025-04-21-02

**COMMERCIAL/RETAIL FINDINGS RESOLUTION
104 WASHINGTON ST, LLC PROJECT**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at the Newburgh Activity Center, 401 Washington Street, Newburgh, New York on April 21, 2025 at 6:30 o'clock p.m., local time.

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

PRESENT:

Michael Neppl
Alexandra Church
Vickiana DeMora
Sharonda Powell

Chair
Vice Chair
Treasurer
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.

Executive Director
Financial Administrator
Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

RESOLUTION (A) DETERMINING THAT THE PROPOSED PROJECT FOR 104 WASHINGTON ST, LLC IS A COMMERCIAL PROJECT AND (B) MAKING CERTAIN FINDINGS REQUIRED UNDER THE GENERAL MUNICIPAL LAW.

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, in September of 2020, 104 Washington St, LLC, a New York limited liability company (the "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 was revised by the Company on April 20, 2021 (collectively, the "Initial Application"), a copy of which Initial Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Initial Project"), said Initial Project consisting of the following: (A) the acquisition of an interest in an approximately 5,000 square foot parcel of real property located at 104 Washington Street, Newburgh, NY (the "Land"), (2) the construction on the Land of improvements consisting of an office or retail space with approximately 29 residential units (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, in connection with the Initial Application, the Company made a request to the Agency (the "Initial Pilot Request") to deviate from the Agency's uniform tax exemption policy (the "Policy") with respect to the payments to be made under a payment in lieu of tax agreement by and between the Agency and the Company (the "Initial Proposed Pilot Agreement"); and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Initial Pilot Request for a deviation from the Policy, the Agency gave the chief executive officers of the County of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice (the "Initial Deviation Notice") of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, pursuant to Resolution No. 2020-09-21-01 (the "First Public Hearing Resolution"), and Resolution No. 2021-05-17-01 (the "Second Public Hearing Resolution"), adopted by the members of the Agency on September 21, 2020 and May 17, 2021, respectively, the Executive Director of the Agency conducted public hearings of the Agency (the "Initial Public Hearings") pursuant to Sections 859-a and 874(4) of the Act, to hear all persons interested in the Initial Project and the Financial Assistance being contemplated by the Agency with respect to the Initial Project and prepared reports of the Initial Public Hearings (the "Hearing Reports") fairly summarizing the views presented at such Initial Public Hearings and caused copies of said Hearing Reports to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "Regulations", and collectively with the SEQRA Act, the "SEQRA"), by resolution adopted by the members of the Agency on July 14, 2021, pursuant to Resolution No. 2021-07-14-01 (the "Initial SEQRA Resolution"), the Agency: (a) ratified and concurred in the determination of the City of Newburgh Planning (the "Planning Board") as "lead agency" with respect to the Project Facility under SEQRA (as such quoted term is defined in SEQRA); and (b) determined that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Initial 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 Facility (as such quoted terms are defined in SEQRA); and

WHEREAS, pursuant to Resolution No. 2021-07-14-02 (the "Initial Commercial/Retail Findings Resolution"), adopted by the members of the Agency on July 14, 2021, the Agency determined, among other things, that 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 and that the Initial Project constitutes a "commercial" project within the meaning of the Act; and

WHEREAS, pursuant to Resolution No. 2021-07-14-03 (the “Initial Approving Resolution”), adopted by the members of the Agency on July 14, 2021, the Agency determined to grant the Financial Assistance and to enter into a lease agreement dated as of September 1, 2022 (the “Lease Agreement”) between the Agency and the Company and certain other documents related thereto and to the Initial Project (collectively with the Lease Agreement, the “Basic Documents”); and

WHEREAS, on September 1, 2022, the Agency and the Company closed on the Basic Documents in which the Company agreed (1) to cause the Initial Project to be undertaken and completed, and (2) as agent of the Agency, to undertake and complete the Initial Project, and the Agency leased the Project Facility to the Company with an option to acquire the Project Facility from the Agency; and

WHEREAS, as of September 1, 2024, the Company had not commenced work on the Initial Project or the Project Facility; and

WHEREAS, on October 29, 2024, the Company submitted a revised application to the Agency (the “Amended Application,” together with the Initial Application, hereinafter, collectively referred to as the “Application”) to amend the Initial Project (the “Amended Project,” together with the Initial Project, collectively, hereinafter referred to as the “Project”) by decreasing the number of residential units in the Facility from approximately 29 residential units to approximately 14 residential units and allocating more square footage to the commercial space in the Facility; and

WHEREAS, the Application addresses a housing need in the State of New York and the City of Newburgh which is consistent with Governor Hochul’s Executive Order No. 30 (July 18, 2023) (the “Executive Order”) requiring all Affected State Entities (including public authorities defined in section two of the public authorities law) to consider the goal of creating additional housing in any policy or programmatic decisions and where appropriate shall collaborate with other Affected State Entities to effectuate that goal; and

WHEREAS, by Resolution No. 2024-12-16-01, adopted by the members of the Agency respectively on December 16, 2024 (the “Amended Project Public Hearing Resolution,” together with the First Public Hearing Resolution and the Second Public Hearing Resolution, hereinafter, collectively referred to as the “Public Hearing Resolution”), the Agency authorized a public hearing (the “Amended Project Public Hearing,” together with the Initial Public Hearings, hereinafter, collectively referred to as the “Public Hearing”) to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, in connection with the Application, the Company has made a new request to the Agency (the “New Pilot Request” and with the Initial Pilot Request, collectively the “Pilot Request”) to deviate from the Policy with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the “New Proposed Pilot Agreement” together with the Initial Proposed Pilot Agreement, hereinafter, collectively referred to as 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 Affected Tax Jurisdictions prior written notice (the “New Deviation Notice” together with the Initial Deviation Notice, hereinafter, collectively referred to as the “Deviation Notice”) of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Pilot Request was for a term of thirty (30) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of thirty (30) years is consistent with the provisions of Section 577 of the Private Housing Finance Law, which permits tax exemption for a housing development up to forty (40) years; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of the Public Hearing of the Agency pursuant to Sections 859-a and 874(4) 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, including the Pilot Request for a deviation from the Policy, to be mailed on January 6, 2025 to the chief executive officers of the County of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located, (B) caused notice of the Public Hearing to be posted on December 19, 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 Public Hearing to be published on December 22, 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 Public Hearing on January 22, 2025 at 6:30 o’clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (E) caused to be prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused a copy of said 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, due to the Company not commencing work on the Project and the expiration of the Planning Board’s approval for the Project, the Project required a new approval from the Planning Board; and

WHEREAS, pursuant to SEQRA, the Agency has been informed that (1) the Planning Board was designated to act as “lead agency” with respect to the Project on November 19, 2024, (2) the Planning Board determined, based upon an examination of the Full EAF filed by the Company 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, and would not require the preparation of a Draft Environmental Impact Statement, and (3) the Planning Board determined by resolution dated December 17, 2024 after appropriate review to (A) ratify and confirm the lead agency designation of the Planning Board and (B) find that there was no information to suggest that the Planning Board was incorrect in

determining that the Project will not have a “significant effect on the environment” through the issuance of a Negative Declaration pursuant to the SEQRA; and

WHEREAS, the Agency determined by Resolution No. 2025-04-21-01 dated April 21, 2025 (the “New SEQRA Resolution” together with the Initial SEQRA Resolution, hereinafter, collectively referred to as the “SEQRA Resolution”) 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, in Opinion of the State Comptroller Number 85-51, the State Comptroller indicated that the determination whether a project that consists of the construction of an apartment house is a commercial activity within the meaning of the Act is to be made by local officials based upon all of the facts relevant to the proposed project, and that any such determination should take into account the stated purpose of the Act, that is, the promotion of employment opportunities and the prevention of economic deterioration; 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 November 11, 2024 (the “CBA”), as amended, 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 November 18, 2024, as amended, 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 respective Public Hearings; (E) the Opinion of the State Comptroller Number 85-51; (F) the Executive Order; (G) the Newburgh Housing Report (Working Paper I: Housing Needs Assessment) dated June 4, 2021; and (H) copies of correspondence from the public 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 41 direct and indirect full-time equivalent construction jobs at the Project Facility during the approximately eighteen month construction period; (B) the Project will result in 15 permanent jobs, from new household spending and onsite operations, earning approximately \$939,940.00 in wages on an annual basis; (C) Orange County will benefit from additional, one-time sales tax revenue of \$13,886.00 associated with construction wages earned during the construction phase and additional sales tax revenue of \$318,142.00 related to new wages earned from permanent jobs and revenue related to new household spending; and (D) over the course of the 30 years, the Project will generate an increase of \$244,094.00 in additional property tax revenue on the current taxes for Orange County, the City of Newburgh, and the Newburgh Enlarged City School District, each a taxing jurisdiction in which the Project is located in; 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, pursuant to 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 Sections 859-a and 874(4) 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 Sections 859-a and 874(4) of the Act with respect to the Project, the Agency now desires to make its final findings with respect to the Project and its final determination whether to proceed with the Project as a commercial project under the Project Qualification Documents.

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

Section 1. Based upon an examination of the Project Qualification Documents and based further upon the Agency's knowledge of the area surrounding the Project and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project:

A. The Project is located in an area having a mixture of residential, not-for-profit, commercial, retail, and service uses.

B. The Project Qualification Documents makes the following comments/findings regarding housing in the City of Newburgh:

- Project will make the City more walkable with addition of streetlights, newly paved sidewalks and small changes to the routing of traffic;
- Project will add affordable housing, a major benefit to the community, addressing a critical need that will provide stability and opportunities for local residents;
- Project has an opportunity to extend what's already happening on Liberty Street and just make that whole area a "core district" for the City rather than the vacant site in disrepair; it would be amazing to get something done after many decades of being vacant and empty; a beautiful project that would add a lot of value to the City.

C. That undertaking the Project is consistent with the Project Qualification Documents and will assist and maintain current and future residential and commercial development and expansion in the neighborhood area.

D. The Company has informed the representatives of the Agency that the Project will result in the expansion of the local consumer base which will increase support for local business and employers.

E. The Company has informed the Agency that the Project is expected to create approximately eight (8) full time or part time private sector jobs at the commercial units of the Project Facility, and up to five (5) indirect full time or part time private sector jobs at the Project Facility within twelve (12) months of completion of the Project. In addition, the Company expects to create thirty-three (33) direct and eight (8) indirect full time equivalent construction jobs at the Project Facility.

F. The Company has informed representatives of the Agency that the Company is not aware of any adverse employment impact caused by the undertaking of the Project.

Section 2. Based upon the foregoing review of the Project Qualification Documents and based further upon the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following determinations with respect to the Project:

A. The Project is located in a "highly distressed area" (as defined in the Act).

B. That (1) the Project Facility will provide necessary infrastructure for area employers and businesses, (2) the completion of the Project Facility will have an impact upon the creation, retention and expansion of employment opportunities in the City of Newburgh and in the State of New York, and (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.

C. That the acquisition, reconstruction, renovation and installation of the Project Facility is essential to the retention of existing employment and 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.

D. That the Project constitutes a "commercial" project, within the meaning of the Act.

E. That 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.

Section 3. Having reviewed the Public Hearing Report, and having considered fully all comments contained therein, including the written comments received from various individuals and businesses, and based upon the findings contained in Section 1 above, the Agency hereby determines to proceed with the Project and the granting of the financial assistance described in the notice of the Public Hearing.

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:

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 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 April 21, 2025 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 _____ 2025.

Secretary

(SEAL)

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

Resolution No. 2025-04-21-03

**PILOT DEVIATION APPROVAL RESOLUTION
104 WASHINGTON ST, LLC PROJECT**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at the Newburgh Activity Center, 401 Washington Street, Newburgh, New York on April 21, 2025 at 6:30 o'clock p.m., local time.

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

PRESENT:

Michael Neppi
Alexandra Church
Vickiana DeMora
Sharonda Powell

Chair
Vice Chair
Treasurer
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.

Executive Director
Financial Administrator
Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

RESOLUTION AUTHORIZING A DEVIATION FROM THE AGENCY'S
UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE
PROPOSED PAYMENT IN LIEU OF TAX AGREEMENT TO BE ENTERED
INTO BY THE AGENCY IN CONNECTION WITH THE PROPOSED
PROJECT FOR 104 WASHINGTON ST, 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, in September of 2020, 104 Washington St, LLC, a New York limited liability company (the "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 was revised by the Company on April 20, 2021 (collectively, the "Initial Application"), a copy of which Initial Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Initial Project"), said Initial Project consisting of the following: (A) the acquisition of an interest in an approximately 5,000 square foot parcel of real property located at 104 Washington Street, Newburgh, NY (the "Land"), (2) the construction on the Land of improvements consisting of an office or retail space with approximately 29 residential units (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, in connection with the Initial Application, the Company made a request to the Agency (the "Initial Pilot Request") to deviate from the Agency's uniform tax exemption policy (the "Policy") with respect to the payments to be made under a payment in lieu of tax agreement by and between the Agency and the Company (the "Initial Proposed Pilot Agreement"); and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Initial Pilot Request for a deviation from the Policy, the Agency gave the chief executive officers of the County of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice (the "Initial Deviation Notice") of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, pursuant to Resolution No. 2020-09-21-01 (the "First Public Hearing Resolution"), and Resolution No. 2021-05-17-01 (the "Second Public Hearing Resolution"), adopted by the members of the Agency on September 21, 2020 and May 17, 2021, respectively, the Executive Director of the Agency conducted public hearings of the Agency (the "Initial Public Hearings") pursuant to Sections 859-a and 874(4) of the Act, to hear all persons interested in the Initial Project and the Financial Assistance being contemplated by the Agency with respect to the Initial Project and prepared reports of the Initial Public Hearings (the "Hearing Reports") fairly summarizing the views presented at such Initial Public Hearings and caused copies of said Hearing Reports to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "Regulations", and collectively with the SEQRA Act, the "SEQRA"), by resolution adopted by the members of the Agency on July 14, 2021, pursuant to Resolution No. 2021-07-14-01 (the "Initial SEQRA Resolution"), the Agency: (a) ratified and concurred in the determination of the City of Newburgh Planning (the "Planning Board") as "lead agency" with respect to the Project Facility under SEQRA (as such quoted term is defined in SEQRA); and (b) determined that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Initial 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 Facility (as such quoted terms are defined in SEQRA); and

WHEREAS, pursuant to Resolution No. 2021-07-14-02 (the "Initial Commercial/Retail Findings Resolution"), adopted by the members of the Agency on July 14, 2021, the Agency determined, among other things, that 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 and that the Initial Project constitutes a “commercial” project within the meaning of the Act; and

WHEREAS, pursuant to Resolution No. 2021-07-14-03 (the “Initial Approving Resolution”), adopted by the members of the Agency on July 14, 2021, the Agency determined to grant the Financial Assistance and to enter into a lease agreement dated as of September 1, 2022 (the “Lease Agreement”) between the Agency and the Company and certain other documents related thereto and to the Initial Project (collectively with the Lease Agreement, the “Basic Documents”); and

WHEREAS, on September 1, 2022, the Agency and the Company closed on the Basic Documents in which the Company agreed (1) to cause the Initial Project to be undertaken and completed, and (2) as agent of the Agency, to undertake and complete the Initial Project, and the Agency leased the Project Facility to the Company with an option to acquire the Project Facility from the Agency; and

WHEREAS, as of September 1, 2024, the Company had not commenced work on the Initial Project or the Project Facility; and

WHEREAS, on October 29, 2024, the Company submitted a revised application to the Agency (the “Amended Application,” together with the Initial Application, hereinafter, collectively referred to as the “Application”) to amend the Initial Project (the “Amended Project,” together with the Initial Project, collectively, hereinafter referred to as the “Project”) by decreasing the number of residential units in the Facility from approximately 29 residential units to approximately 14 residential units and allocating more square footage to the commercial space in the Facility; and

WHEREAS, the Application addresses a housing need in the State of New York and the City of Newburgh which is consistent with Governor Hochul’s Executive Order No. 30 (July 18, 2023) (the “Executive Order”) requiring all Affected State Entities (including public authorities defined in section two of the public authorities law) to consider the goal of creating additional housing in any policy or programmatic decisions and where appropriate shall collaborate with other Affected State Entities to effectuate that goal; and

WHEREAS, by Resolution No. 2024-12-16-01, adopted by the members of the Agency respectively on December 16, 2024 (the “Amended Project Public Hearing Resolution,” together with the First Public Hearing Resolution and the Second Public Hearing Resolution, hereinafter, collectively referred to as the “Public Hearing Resolution”), the Agency authorized a public hearing (the “Amended Project Public Hearing,” together with the Initial Public Hearings, hereinafter, collectively referred to as the “Public Hearing”) to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, in connection with the Application, the Company has made a new request to the Agency (the “New Pilot Request” and with the Initial Pilot Request, collectively the “Pilot Request”) to deviate from the Policy with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the “New Proposed Pilot Agreement”

together with the Initial Proposed Pilot Agreement, hereinafter, collectively referred to as 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 Affected Tax Jurisdictions prior written notice (the “New Deviation Notice” together with the Initial Deviation Notice, hereinafter, collectively referred to as the “Deviation Notice”) of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Pilot Request was for a term of thirty (30) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of thirty (30) years is consistent with the provisions of Section 577 of the Private Housing Finance Law, which permits tax exemption for a housing development up to forty (40) years; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of the Public Hearing of the Agency pursuant to Sections 859-a and 874(4) 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, including the Pilot Request for a deviation from the Policy, to be mailed on January 6, 2025 to the chief executive officers of the County of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located, (B) caused notice of the Public Hearing to be posted on December 19, 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 Public Hearing to be published on December 22, 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 Public Hearing on January 22, 2025 at 6:30 o'clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (E) caused to be prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused a copy of said 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, due to the Company not commencing work on the Project and the expiration of the Planning Board’s approval for the Project, the Project required a new approval from the Planning Board; and

WHEREAS, pursuant to SEQRA, the Agency has been informed that (1) the Planning Board was designated to act as “lead agency” with respect to the Project on November 19, 2024, (2) the Planning Board determined, based upon an examination of the Full EAF filed by the Company 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, and would not require the preparation of a Draft Environmental Impact

Statement, and (3) the Planning Board determined by resolution dated December 17, 2024 after appropriate review to (A) ratify and confirm the lead agency designation of the Planning Board and (B) find that there was no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” through the issuance of a Negative Declaration pursuant to the SEQRA; and

WHEREAS, the Agency determined by Resolution No. 2025-04-21-01 dated April 21, 2025 (the “New SEQRA Resolution” together with the Initial SEQRA Resolution, hereinafter, collectively referred to as the “SEQRA Resolution”) 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, by further Resolution No. 2025-04-21-02 adopted by the members of the Agency on April 21, 2025 (the “New Commercial/Retail Finding Resolution” together with the Initial Commercial/Retail Finding Resolution, hereinafter, collectively referred to as the “Commercial/Retail Finding Resolution”), the Agency (A) determined that the Project constituted a “Commercial Project” within the meaning of the Act, (B) found that although the Project Facility appears to include facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities, such facilities will not constitute more than one-third of the costs of the Project, (C) and determined, following a review of the Public Hearing Report, that the Project would serve the public purposes of the Act by creating direct and indirect private sector jobs in the State of New York; and

WHEREAS, through the Deviation Notice letter, the Chief Executive Officer of the Agency notified the chief executive officers of the Affected Tax Jurisdictions of the proposed deviation from the Agency's uniform tax exemption policy and further notified said chief executive officers that the members of the Agency would consider such proposed deviation at the Public Hearing; and

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

WHEREAS, during the Public Hearing, six (6) verbal comments were received in opposition to the deviation from the Policy with respect to the Project, but were otherwise in support of the Project; and

WHEREAS, after the Public Hearing, the following letters and/or signatures in support of the Project were received by the Agency which are attached to the Public Hearing Report:

<u>NAME</u>	<u>NAME</u>
Angel Rojas	Safe Harbors of the Hudson
Charles Bivona	Michelle Kettler
Dan Gilbert	Newburgh Brewing Company
Eli Vaknin	Sam Ottenhoff
Ellen Sigunick	Victor Espana
Jose Fuentes	Wilson Aguillar

; 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 Sections 859-a 874(4) 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 requested deviation from the Policy as requested by the Company.

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

Section 1. The Agency hereby finds and determines as follows:

(A) The Agency has not received any response from any of the Affected Tax Jurisdictions to the Deviation Notice letter.

(B) The Agency has given each Affected Tax Jurisdiction the opportunity to be heard at the Public Hearing and thereafter through written submissions to the Agency regarding the proposed deviation and the Agency has not received any comments from such jurisdictions.

Section 2. Based upon (A) the findings and determinations in Section 1 above, (B) any comments received at the Public Hearing, (C) input received at the Public Hearing or thereafter from the Affected Tax Jurisdictions with respect to the proposed deviation, (D) the Agency's knowledge of the Project, (E) the recommendations of Agency staff, and (F) such further investigation of the Project and the effect of the proposed deviation as the Agency has deemed appropriate, the Agency hereby determines to deviate from the Agency's uniform tax exemption policy with respect to the terms of the proposed payment in lieu of tax agreement to be entered into by the Agency with respect to the Project Facility for the reasons set forth in the Pilot Deviation Letter. Based upon the aforementioned, the Agency hereby approves a deviation from the Agency's uniform tax exemption policy, the terms of the approved deviation to be as described in the Pilot Request letter attached hereto as Exhibit A.

Section 3. Upon preparation by special counsel to the Agency of a payment in lieu of tax agreement with respect to the Project Facility reflecting the terms of this resolution (the "Payment in Lieu of Tax Agreement") and approval of same by the Chair (or Vice Chair) of the Agency, the Chair (or Vice Chair) of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Payment in Lieu of Tax Agreement, and, where appropriate, the Secretary of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in such form as is approved by the Chair (or Vice Chair), the execution thereof by the Chair (or Vice Chair) to constitute conclusive evidence of such approval.

Section 4. 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 Payment in Lieu of Tax Agreement, 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 Payment in Lieu of Tax Agreement binding upon the Agency.

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:

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 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 April 21, 2025 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 _____ 2025.

Secretary

(SEAL)

EXHIBIT A

Copy of Pilot Request Letter Dated December 19, 2024

and

Mailed January 6, 2025

DRAFT

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

December 19, 2024

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
OR
EMAIL – READ RECEIPT REQUESTED

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

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

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

The Honorable Ramona Monteverde,
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

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

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

Matthew McCoy, District Clerk
Newburgh Enlarged City School District
124 Grand Street
Newburgh, New York 12550

The Honorable Giselle Martinez, 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

December 19, 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

RE: Notice of Public Hearing and
Notice of Hearing on Proposed Deviation from
Uniform Tax Exemption Policy by the City of
Newburgh Industrial Development Agency
in connection with its
Proposed 104 Washington St, LLC Project

Honorable Sir/Madame:

This letter is delivered to you pursuant to Sections 859-a(3) and 874(4)(b) of the General Municipal Law (the "Act").

The City of Newburgh Industrial Development Agency (the "Agency") hereby informs you that the Agency has received an application (the "Application") from 104 Washington St, 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 (the "Application"), a copy of which Application is on file at the office of the Agency and available at the Agency website (<https://newburghindustrialdevelopmentagency.org/projects/>), 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 an approximately 5,000 square foot parcel of real property located at 104 Washington Street, Newburgh, NY (the "Land"), (2) the construction on the Land of improvements consisting of an office or retail space with approximately 14 residential units plus 8,000 square feet for commercial space/units (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.

Pursuant to Section 859-a(3) of the Act, since the requested Financial Assistance exceeds \$100,000 relating to the proposed Project, the Agency must hold a public hearing to hear comments on the requested amounts of the Financial Assistance, which is described in the enclosed copy of the notice of hearing (the "Notice of Hearing").

In addition, at the Agency's regular meeting held on December 16, 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") the terms of which will deviate from the existing Agency Uniform Tax Exemption Policy (the "Policy"). (Capitalized terms not otherwise defined herein are defined in the Policy which can be viewed at <https://newburghindustrialdevelopmentagency.org/policies/>.) At its December 16, 2024 regular meeting, the Agency approved a Public Hearing Resolution (No. 2024-12-16-01) to hold a public

hearing (the "Public Hearing") to consider both the Financial Assistance for the Project and the deviation from the Policy. The Public Hearing is scheduled for **January 22, 2025**.

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 December 16, 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 30 years, with the Company making the payments in each year as a Pilot Payment as follows:

[DRAFT - TO BE FINALIZED AFTER COMMENTS RECEIVED]

PILOT TAX YEAR	PILOT PAYMENT DUE	APPROXIMATE PILOT ABATEMENT PERCENTAGE*
1	\$8,000	88%
2	\$8,160	88%
3	\$8,323	88%
4	\$8,490	88%
5	\$8,659	88%
6	\$8,833	88%
7	\$9,009	88%
8	\$9,189	88%
9	\$9,373	88%
10	\$9,561	88%
11	\$9,752	88%
12	\$9,947	88%
13	\$10,146	88%
14	\$10,349	88%
15	\$10,556	88%

16	\$10,767	88%
17	\$10,982	88%
18	\$11,202	88%
19	\$11,426	88%
20	\$11,654	88%
21	\$11,888	88%
22	\$12,125	88%
23	\$12,368	88%
24	\$12,615	8%
25	\$12,867	88%
26	\$13,125	88%
27	\$13,387	88%
28	\$13,655	88%
29	\$13,928	88%
30	\$14,207	88%

*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 **January 22, 2025**. 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: the development, construction and improvement of one (1) new mixed-use building on the Land consisting of office and retail space with approximately 14 residential units.

2. The present use of the property: abandoned and unstable masonry building that has been allowed to deteriorate for 40 years. The proposal would transform this abandoned and unstable building into a vibrant mixed use property bringing jobs, housing 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): \$244,094 in new tax revenue; \$13,866 in sales tax revenue related to construction; \$318,142 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 12 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 \$762,029 in wages annually.

(b) The construction phase of the Project is anticipated to create approximately 33 direct, on-site construction jobs and 8 indirect jobs. Combining direct and indirect impacts, the construction phase of the Project is expected to create 41 jobs that are expected to generate approximately \$2,116,007 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 \$2,357,147 (estimated per the Agency Cost-Benefit Analysis); mortgage recording tax exemption of approximately \$15,238 (per the Application); and sales tax exemption benefit of approximately \$133,184 (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: \$10,591,000.

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 third or fourth quarter 2026.

12. Development/redevelopment impacts: The Project will bring a productive use to a vacant and abandoned building 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 mixed used building on the Land consisting of approximately 8,000 square feet of commercial and retail space and approximately 14 residential units.

14. Creation of jobs: Upon its completion, the Project will bring approximately fifteen (15) 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 Sections 859-a(3) and 874(4)(b) 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 Financial Assistance and 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,



Michael Neppel, Chair
City of Newburgh
Industrial Development Agency

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

Resolution No. 2025-04-21-04

**APPROVING RESOLUTION
104 WASHINGTON ST, LLC PROJECT**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at the Newburgh Activity Center, 401 Washington Street, Newburgh, New York on April 21, 2025, at 6:30 o'clock p.m., local time.

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

PRESENT:

Michael Nepl
Alexandra Church
Vickiana DeMora
Sharonda Powell

Chair
Vice Chair
Treasurer
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.

Executive Director
Financial Administrator
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 104 WASHINGTON ST, 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, in September of 2020, 104 Washington St, LLC, a New York limited liability company (the "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 was revised by the Company on April 20, 2021 (collectively, the "Initial Application"), a copy of which Initial Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Initial Project"), said Initial Project consisting of the following: (A) the acquisition of an interest in an approximately 5,000 square foot parcel of real property located at 104 Washington Street, Newburgh, NY (the "Land"), (2) the construction on the Land of improvements consisting of an office or retail space with approximately 29 residential units (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, in connection with the Initial Application, the Company made a request to the Agency (the "Initial Pilot Request") to deviate from the Agency's uniform tax exemption policy (the "Policy") with respect to the payments to be made under a payment in lieu of tax agreement by and between the Agency and the Company (the "Initial Proposed Pilot Agreement"); and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Initial Pilot Request for a deviation from the Policy, the Agency gave the chief executive officers of the County of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice (the "Initial Deviation Notice") of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, pursuant to Resolution No. 2020-09-21-01 (the "First Public Hearing Resolution"), and Resolution No. 2021-05-17-01 (the "Second Public Hearing Resolution"), adopted by the members of the Agency on September 21, 2020 and May 17, 2021, respectively, the Executive Director of the Agency conducted public hearings of the Agency (the "Initial Public Hearings") pursuant to Sections 859-a and 874(4) of the Act, to hear all persons interested in the Initial Project and the Financial Assistance being contemplated by the Agency with respect to the Initial Project and prepared reports of the Initial Public Hearings (the "Hearing Reports") fairly summarizing the views presented at such Initial Public Hearings and caused copies of said Hearing Reports to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "Regulations", and collectively with the SEQRA Act, the "SEQRA"), by resolution adopted by the members of the Agency on July 14, 2021, pursuant to Resolution No. 2021-07-14-01 (the "Initial SEQRA Resolution"), the Agency: (a) ratified and concurred in the determination of the City of Newburgh Planning (the "Planning Board") as "lead agency" with respect to the Project Facility under SEQRA (as such quoted term is defined in SEQRA); and (b) determined that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Initial 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 Facility (as such quoted terms are defined in SEQRA); and

WHEREAS, pursuant to Resolution No. 2021-07-14-02 (the "Initial Commercial/Retail Findings Resolution"), adopted by the members of the Agency on July 14, 2021, the Agency determined, among other things, that 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 and that the Initial Project constitutes a "commercial" project within the meaning of the Act; and

WHEREAS, pursuant to Resolution No. 2021-07-14-03 (the “Initial Approving Resolution”), adopted by the members of the Agency on July 14, 2021, the Agency determined to grant the Financial Assistance and to enter into a lease agreement dated as of September 1, 2022 (the “Lease Agreement”) between the Agency and the Company and certain other documents related thereto and to the Initial Project (collectively with the Lease Agreement, the “Basic Documents”); and

WHEREAS, on September 1, 2022, the Agency and the Company closed on the Basic Documents in which the Company agreed (1) to cause the Initial Project to be undertaken and completed, and (2) as agent of the Agency, to undertake and complete the Initial Project, and the Agency leased the Project Facility to the Company with an option to acquire the Project Facility from the Agency; and

WHEREAS, as of September 1, 2024, the Company had not commenced work on the Initial Project or the Project Facility; and

WHEREAS, on October 29, 2024, the Company submitted a revised application to the Agency (the “Amended Application,” together with the Initial Application, hereinafter, collectively referred to as the “Application”) to amend the Initial Project (the “Amended Project,” together with the Initial Project, collectively, hereinafter referred to as the “Project”) by decreasing the number of residential units in the Facility from approximately 29 residential units to approximately 14 residential units and allocating more square footage to the commercial space in the Facility; and

WHEREAS, the Application addresses a housing need in the State of New York and the City of Newburgh which is consistent with Governor Hochul’s Executive Order No. 30 (July 18, 2023) (the “Executive Order”) requiring all Affected State Entities (including public authorities defined in section two of the public authorities law) to consider the goal of creating additional housing in any policy or programmatic decisions and where appropriate shall collaborate with other Affected State Entities to effectuate that goal; and

WHEREAS, by Resolution No. 2024-12-16-01, adopted by the members of the Agency respectively on December 16, 2024 (the “Amended Project Public Hearing Resolution,” together with the First Public Hearing Resolution and the Second Public Hearing Resolution, hereinafter, collectively referred to as the “Public Hearing Resolution”), the Agency authorized a public hearing (the “Amended Project Public Hearing,” together with the Initial Public Hearings, hereinafter, collectively referred to as the “Public Hearing”) to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, in connection with the Application, the Company has made a new request to the Agency (the “New Pilot Request” and with the Initial Pilot Request, collectively the “Pilot Request”) to deviate from the Policy with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the “New Proposed Pilot Agreement” together with the Initial Proposed Pilot Agreement, hereinafter, collectively referred to as 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 Affected Tax Jurisdictions prior written notice (the “New Deviation Notice” together with the Initial Deviation Notice, hereinafter, collectively referred to as the “Deviation Notice”) of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Pilot Request was for a term of thirty (30) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of thirty (30) years is consistent with the provisions of Section 577 of the Private Housing Finance Law, which permits tax exemption for a housing development up to forty (40) years; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of the Public Hearing of the Agency pursuant to Sections 859-a and 874(4) 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, including the Pilot Request for a deviation from the Policy, to be mailed on January 6, 2025 to the chief executive officers of the County of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located, (B) caused notice of the Public Hearing to be posted on December 19, 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 Public Hearing to be published on December 22, 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 Public Hearing on January 22, 2025 at 6:30 o'clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (E) caused to be prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused a copy of said 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, due to the Company not commencing work on the Project and the expiration of the Planning Board’s approval for the Project, the Project required a new approval from the Planning Board; and

WHEREAS, pursuant to SEQRA, the Agency has been informed that (1) the Planning Board was designated to act as “lead agency” with respect to the Project on November 19, 2024, (2) the Planning Board determined, based upon an examination of the Full EAF filed by the Company 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, and would not require the preparation of a Draft Environmental Impact Statement, and (3) the Planning Board determined by resolution dated December 17, 2024 after appropriate review to (A) ratify and confirm the lead agency designation of the Planning Board

and (B) find that there was no information to suggest that the Planning Board was incorrect in determining that the Project will not have a “significant effect on the environment” through the issuance of a Negative Declaration pursuant to the SEQRA; and

WHEREAS, the Agency determined by Resolution No. 2025-04-21-01 dated April 21, 2025 (the “New SEQRA Resolution” together with the Initial SEQRA Resolution, hereinafter, collectively referred to as the “SEQRA Resolution”) 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, by further Resolution No. 2025-04-21-02 adopted by the members of the Agency on April 21, 2025 (the “New Commercial/Retail Finding Resolution” together with the Initial Commercial/Retail Finding Resolution, hereinafter, collectively referred to as the “Commercial/Retail Finding Resolution”), the Agency (A) determined that the Project constituted a “Commercial Project” within the meaning of the Act, (B) found that although the Project Facility appears to include facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities, such facilities will not constitute more than one-third of the costs of the Project, (C) and determined, following a review of the Public Hearing Report, that the Project would serve the public purposes of the Act by creating direct and indirect private sector jobs in the State of New York; and

WHEREAS, by resolution No. 2025-04-21-03 adopted by members of the Agency on April 21, 2025 (the “Pilot Deviation Approval Resolution”), the members of the Agency determined to deviate from the Agency’s Policy 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 November 11, 2024 (the “CBA”), as amended, 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 November 18, 2024, as amended, 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 respective Public Hearing; (E) the Opinion of the State Comptroller Number 85-51; (F) the Executive Order; (G) the Newburgh Housing Report (Working Paper I: Housing Needs Assessment) dated June 4, 2021; and (H) copies of correspondence from the public 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 41 direct and indirect full-time equivalent construction jobs at the Project Facility during the

approximately eighteen month construction period; (B) the Project will result in 15 permanent jobs, from new household spending and onsite operations, earning approximately \$939,940.00 in wages on an annual basis; (C) Orange County will benefit from additional, one-time sales tax revenue of \$13,886.00 associated with construction wages earned during the construction phase and additional sales tax revenue of \$318,142.00 related to new wages earned from permanent jobs and revenue related to new household spending; and (D) over the course of the 30 years, the Project will generate an increase of \$244,094.00 in additional property tax revenue on the current taxes for Orange County, the City of Newburgh, and the Newburgh Enlarged City School District, each a taxing jurisdiction in which the Project is located in; 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, during the Public Hearing, six (6) verbal comments were received in opposition to the deviation from the Policy with respect to the Project, but were otherwise in support of the Project; and

WHEREAS, after the Public Hearing, the following letters and/or signatures in support of the Project were received by the Agency which are attached to the Public Hearing Report:

<u>NAME</u>	<u>NAME</u>
Angel Rojas	Safe Harbors of the Hudson
Charles Bivona	Michelle Kettler
Dan Gilbert	Newburgh Brewing Company
Eli Vaknin	Sam Ottenhoff
Ellen Sigunick	Victor Espana
Jose Fuentes	Wilson Aguillar

; 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 Sections 859-a and 874(4) 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 Financial 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 "Underlying 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 Underlying 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) if available, 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) if available, 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. (a) The Public Hearing is hereby closed to further written public comments; and (b) all action taken by the Chair and/or any Member or staff of the Agency with respect to the Public Hearing and the with respect to the Project, the requested Financial Assistance, the Pilot Request and the Pilot Deviation 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 is hereby authorized, at the expense of the Company, to work with the Company, counsel to the Company, and others to prepare, for submission to the Agency, all documents necessary to affect 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 Commercial/Retail Finding Resolution, the Pilot Deviation Approval Resolution, the Executive Order, and the Project Qualification Documents, 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 \$10,591,000.00;
- (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 productive use of vacant land in the City of Newburgh; and (7) 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 and 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 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) The Project will be subject to the Agency's Local Labor Policy (the "Labor Policy"). In accordance with such Labor Policy, and the practice of the Agency, the Company will deposit with the Agency, together with the execution of the Agency Documents, a sufficient amount for the payment of future fees incurred by Loewke Brill Consulting Group, Inc., the Agency's independent monitor (the "Agency Independent Monitor") for its Project compliance review under the Labor Policy consistent with the Agency Independent Monitor's contract with the Agency.

(K) The Company will submit such evidence supporting the benefits provided to the Project annually as required by the Agency Documents and the State Authorities Budget Office including, without limitation, certified payroll reports. The Agency reserves the right to utilize the Agency Independent Monitor in reviewing any and all annual compliance information and records, including, but not limited to, the review required under the Labor Policy. The fees of the Agency Independent Monitor for the annual review shall be paid annually by the Company and be in addition to the fees paid to the Agency Independent Monitor for compliance review of the Labor Policy.

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

<u>TYPE OF FINANCIAL ASSISTANCE</u>	<u>AMOUNT OF APPROVED FINANCIAL ASSISTANCE</u>
Payment in Lieu of Real Estate Taxes	\$2,357,147 (cumulative)
Mortgage Recording Tax Exemption*	\$15,238*
Sales and Compensating Use Tax Exemption*	\$133,184*
TOTAL APPROVED FINANCIAL ASSISTANCE	\$2,505,569

*If available

(M) 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 annual payments (each a "Pilot Payment" and together "Pilot Payments") for the entire Project Facility as follows:

PILOT TAX YEAR	PILOT PAYMENT DUE	APPROXIMATE PILOT ABATEMENT PERCENTAGE*
1	\$8,000	88%
2	\$8,160	88%
3	\$8,323	88%

4	\$8,490	88%
5	\$8,659	88%
6	\$8,833	88%
7	\$9,009	88%
8	\$9,189	88%
9	\$9,373	88%
10	\$9,561	88%
11	\$9,752	88%
12	\$9,947	88%
13	\$10,146	88%
14	\$10,349	88%
15	\$10,556	88%
16	\$10,767	88%
17	\$10,982	88%
18	\$11,202	88%
19	\$11,426	88%
20	\$11,654	88%
21	\$11,888	88%
22	\$12,125	88%
23	\$12,368	88%
24	\$12,615	88%
25	\$12,867	88%
26	\$13,125	88%
27	\$13,387	88%
28	\$13,655	88%

29	\$13,928	88%
30	\$14,207	88%

*Illustrative percentages – actual may vary.

In addition, the Payment in Lieu of Tax Agreement shall require the Company to comply with the following provisions:

(i) The Company shall make annual Pilot Payments in the amounts set forth in the table above, measured from the First Taxable Status Date. The First Taxable Status Date shall be the taxable status date following the date that a permanent certificate of occupancy is issued by the City of Newburgh.

(ii) Annual Pilot Payments shall cover all local and municipal taxes owed in connection with the Project and the Project Facility and such payment shall be shared by taxing jurisdictions on the same basis as property taxes would be shared if the Project and the Project Facility were fully taxed.

(iii) The Company shall (a) enter into a regulatory agreement with the New York State Division of Housing and Community Renewal (the “Regulatory Agreement”) incorporating the affordability requirements set forth in Exhibit B attached to this Resolution, (b) record the Regulatory Agreement against the Project Facility, and (c) comply with the terms set forth in the Regulatory Agreement throughout the term of the Payment in Lieu of Tax Agreement.

(iv) For so long as the Payment in Lieu of Tax Agreement shall remain in effect, annual Pilot Payments set forth in this section shall not be reduced for any reason.

Section 7. The Chair (or Vice Chair) 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 Chair, the Vice Chair, 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 Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) to constitute conclusive evidence of such approval.

(B) The Chair (or Vice Chair) 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.

DRAFT

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

Michael Neopl	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 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 April 21, 2025 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 _____ 2025.

Secretary

(SEAL)

EXHIBIT A

DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS

In the discussions had between the Project Beneficiary (104 Washington St, LLC 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	☐ Yes	☒ No	Zero (0) full time equivalent existing jobs at the Project Facility (vacant or abandoned land).
2.	Creation of new permanent jobs	☒ Yes	☐ No	Nine (9) full time or part time private sector jobs at the commercial units of the Project Facility, and up to five (5) 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	☒ Yes	☐ No	Approximately (i) \$2,357,147 in real estate tax exemption; (ii) \$15,238 in mortgage recording tax exemption, if available; and (iii) 133,184 in sales tax exemption, if available.
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)	☒ Yes	☐ No	Average of thirty-three (33) direct and eight (8) indirect full time equivalent construction jobs at the Project Facility for local labor during an estimated construction period of eighteen (18) months, commencing within ten (10) 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	X Yes	☐ No	\$10,591,000.00 invested (or expense incurred) at the Project Facility within twenty-four (24) months of the date of the Approving Resolution for the Project.
6.	Creation of new revenues for local taxing jurisdictions	X Yes	☐ No	\$2,389,998 of new revenues for local taxing jurisdictions and special districts with respect to the Project Facility over the life of the Project.
7.	Attract customers from outside the Economic Development Region	☐ Yes	X No	Project is a combined commercial/residential project; some commercial units may attract customers from outside the City of Newburgh but it is not a primary goal of the Project.
8.	Adaptive reuse of an existing deteriorating structure.	☐ Yes	X No	Project is new construction on vacant land.
9.	Regional wealth creation (majority of sales/customers from outside of the City)	☐ Yes	X No	The Project will serve the residents of the City of Newburgh.
10.	Alignment with local planning and development efforts	X Yes	☐ No	The City Planning Department has approved the Project.
11.	Promotes walkable community areas	X Yes	☐ No	Project will create daily/multiple day employees in the City of Newburgh, which will promote local use of restaurants, entertainment and other amenities.
12.	Elimination or reduction in blight	X Yes	☐ No	Current land is vacant and underutilized.
13.	Historic building designation	☐ Yes	X No	Not applicable.
14.	Brownfield remediation	☐ Yes	X No	Project is not located on a 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 twelve (12) 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 twenty-four (24) 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 Exhibit A .
4.	Failure by the Project Beneficiary to document to the satisfaction of the Agency the creation of at least 80% of the full time equivalent new jobs at the Project Facility listed on Exhibit A .
5.	Failure by the Project Beneficiary to document to the satisfaction of the Agency that at least 80% of the private sector investment described on Exhibit A occurred with respect to the Project Facility within twenty-four (24) months of the date of the Approving Resolution for the Project.
6.	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 Exhibit A .
7.	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.
8.	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.
9.	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.
10.	Failure by the Project Beneficiary to comply with the annual reporting requirements or to provide the Agency with requested information.
11.	Failure by the Project Beneficiary to comply with any of the terms and provisions of the closing documents for the financial assistance approved by the Agency.
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 Exhibit A 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) for the majority of the commercial portion of the Project Facility, within twelve (12) months of the date of completion of the Project by the Project Beneficiary.
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 as required by the Agency Local Labor Policy.
16.	Failure by the Project Beneficiary to document to the satisfaction of the Agency that the Project (except for the designated commercial/retail portion of the Project) continues to be used as housing facilities for the purpose of providing residential rental and supportive housing accommodations at rate(s) restricted to, on average, 80 percent of Area Median Income, and (b) that the Project Beneficiary (or a successor by reason of foreclosure) continues to own and operate the Project in accordance with applicable law, rule or regulation
17.	Failure by the Project Beneficiary to keep in full force and effect a Regulatory Agreement recorded against the Project Facility with the following affordability requirements: a) two (2) units shall have rents affordable to households earning at or below 50% of the Area Median Income; b) seven (7) units shall have rents affordable to households earning at or below 60% of the Area Median Income; and c) five (5) units shall have rents affordable to households earning no more than 120% of the Area Median Income. For purposes of this section: i) "Area Median Income" is Area Median Gross Income as determined by the U.S. Department of Housing and Urban Development for Orange County; and ii) "Affordable" means gross rents, excluding Section 8 payments, utility allowance, and other amounts excluded under Low Income Housing Tax Credit ("LIHTC") Regulations, not to exceed thirty percent (30%) of the specified Area Median Income, adjusted for unit size in the manner provided in the LIHTC Regulations.

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2025-04-21-05

**RESOLUTION DETERMINING THAT THE ACTION TO UNDERTAKE A PROJECT
FOR THE BENEFIT OF LIBERTY STREET APARTMENTS, 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 the Newburgh Activity Center, 401 Washington Street, Newburgh, New York on April 21, 2025 at 6:30 o’clock p.m., local time.

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

PRESENT:

Michael Nepl
Alexandra Church
Vickiana DeMora
Sharonda Powell

Chair
Vice Chair
Treasurer
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.

Executive Director
Financial Administrator
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 LIBERTY STREET APARTMENTS 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”) 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 August 16, 2024, Liberty Street Apartments, LLC, by its predecessor in interest, 50-72 Liberty Street LLC (collectively, 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 and amended by the Company prior to the holding of the public meeting described below (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 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 Application addresses a housing need in the City of Newburgh which is consistent with Governor Hochul’s Executive Order No. 30 (July 18, 2023) (the “Executive Order”) requiring all Affected State Entities (including public authorities defined in section two of the public authorities law) to consider the goal of creating additional housing in any policy or

programmatic decisions and where appropriate shall collaborate with other Affected State Entities to effectuate that goal; and

WHEREAS, by Resolution Nos. 2024-12-16-02 and 2024-10-21-03, adopted by the members of the Agency respectively on December 16, 2024 and October 21, 2024 (collectively, the "Public Hearing Resolution"), the Agency authorized a public hearing (the "Public Hearing") to be held pursuant to Section 859-a of the Act with respect to the Project; 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 of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice (the "Deviation Notice") of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Pilot Request was for a term of thirty-two (32) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of thirty-two (32) years is consistent with the provisions of Section 577 of the Private Housing Finance Law, which permits tax exemption for a housing development up to forty (40) years; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of the Public Hearing of the Agency 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, including the Pilot Request for a deviation from the Policy, to be mailed on January 6, 2025 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 Public Hearing to be posted on December 19, 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 Public Hearing to be published on December 22, 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 Public Hearing on January 22, 2025 at 6:30 o'clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (E) caused to be prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused a copy of said 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 SEQRA Act, “SEQRA”), the Agency has been informed that (1) the City of Newburgh Planning Board (the “Planning Board”) declared its intent to act as “lead agency” for a “coordinated review” of a “Type 1 Action” with respect to the Project on December 19, 2023, (2) the Planning Board exercised due diligence in identifying other “involved agencies” known at that time; (3) the Planning Board declared itself as the Lead Agency for the coordinated review of the Project on February 20, 2024 pursuant to 6 NYCRR 617.6; and (4) the Planning Board issued a Determination of Significance through the issuance of a Negative Declaration issued on June 18, 2024 (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 50-72 Liberty Street LLC, the predecessor-in-interest to the Company, (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 Chair, any Vice Chair 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:

Michael Neppl	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 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 April 21, 2025 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 _____ 2025.

Secretary

(SEAL)

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

RESOLUTION OF THE CITY OF NEWBURGH PLANNING BOARD

LET IT BE RESOLVED

At the Planning Board meeting held on June 18, 2024, the City of Newburgh Planning Board hereby moves to approve the following Site Plan, wherein the Applicant proposes to combine the vacant land parcels located at 50, 50 1/2, 52, and 54 Liberty Street ("Premises") and then construct a mixed-use residential and commercial building that includes 145 residential units, approximately 4 street-level retail units, and underground parking garage with 42 spaces (combined Mixed-Use with Residential).

Index No.	2023-42
Applicant's Name	50-72 Liberty Street LLC (by Andrew Schrijver, et al.)
Property Owner	Mid Hudson Film LLC
Property Addresses	50 Liberty Street (SBL 40-6-11) 50 1/2 Liberty Street (SBL 40-6-12) 52 Liberty Street (SBL 40-6-13) 54 Liberty Street (SBL 40-6-1.1)

LET IT BE FURTHER RESOLVED

That the above-referenced application includes a Land Development Application (form LDA01) (8 pages) received December 8, 2023, and is supported with the following documents:

1. Land Development Application - Site Plan (form PB01) (4 pages), received December 8, 2023;
2. Site Plan, received December 8, 2023 (9 pages); updated February 8, 2024 (11 pages), March 8, 2024 (11 pages), April 5, 2024 (13 pages), and June 7, 2024 (14 pages);
3. New York State Department of State, Coastal Management Program, Coastal Assessment Form, received December 8, 2023 (2 pages);
4. Full EAF Part I, received December 8, 2023 (16 pages), updated February 8, 2024 (16 pages), March 8, 2024 (15 pages), and April 5, 2024 (15 pages);

5. Applicant's Attorney Opinion Letter, received February 9, 2024 (3 pages);
6. Traffic Impact and Parking Study, received February 8, 2024 (510 pages), updated March 8, 2024 (511 pages);
7. Traffic Plan Proposals, received February 8, 2023 (1 page);
8. Survey, received February 8, 2024 (1 page);
9. Stormwater Pollution Prevention Plan ("SWPPP"), received April 5, 2024 (146 pages); updated June 5, 2024 (171 pages);
10. Phase I Environmental Site Assessment, received March 8, 2024 (657 pages);
11. Phase II Environmental Site Assessment, received March 8, 2024 (165 pages);
12. Applicant Response Letter (to Planning Department), received February 8, 2024 (4 pages), updated March 8, 2024 (4 pages), April 5, 2024 (6 pages), and June 7, 2024 (2 pages);
13. Applicant Response Letter (to Engineering Department), received February 8, 2024 (10 pages), updated March 8, 2024 (11 pages), April 5, 2024 (6 pages), and June 7, 2024 (10 pages);
14. Applicant Response Letter (Traffic and Parking), received March 8, 2024 (3 pages);
15. Comment Letter of the NYS Department of Parks, Recreation and Historic Preservation ("SHPO"), dated July 19, 2023 (1 page);
16. Comment Letter of the NYS Department of Environmental Conservation ("DEC"), dated February 9, 2024 (3 pages);
17. Comment Letter of the NYS Department of Homes and Community Renewal ("HCR"), dated February 8, 2024 (1 page);
18. Comment Letter of the NYS Department of Transportation ("DOT"), received February 5, 2024 (3 pages);
19. Comment Letter of the NYS Office of Parks, Recreation, and Historic Preservation ("SHPO"), received January 26, 2024 (2 pages), updated April 5, 2024 (1 page);
20. Comment Letter of the Orange County Department of Planning, received February 14, 2024 (3 pages);
21. Comment Letter of the Conservation Advisory Council, received February 5, 2025 (1 page); updated March 4, 2024 (1 page);
22. Informational Inspection Report of the Building Inspector, dated September 6, 2023 (3 pages); updated December 11, 2023 (3 pages), and March 6, 2024 (3 pages);
23. Comments of the City Planner, dated December 19, 2023 (4 pages); updated February 20, 2024 (6 pages), March 19, 2024 (9 pages), and April 16, 2024 (9 pages); and
24. Comments of the City Engineer, dated December 19, 2023 (7 pages); updated February 20, 2024 (15 pages), March 19, 2024 (20 pages), April 16, 2024 (21 pages); and May 7, 2024 (25 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 combine the vacant land parcels located at the Premises and then construct a mixed-use residential and commercial building that includes 145 residential units, approximately 4 street-level retail units, and underground parking garage with 42 spaces (combined Mixed-Use with Residential). 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 Premises is located in the Downtown Neighborhood (DN) zone and in the East End Historic District.
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 December 19, 2023. The Planning Board deemed the application substantially complete on June 18, 2024.
6. The Planning Board, pursuant to City Code Section 300-90, held a public hearing at its regular meeting on April 16, 2024.
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 December 19, 2023. The Planning Board declared itself as the Lead Agency for the environmental review of the Project pursuant to 6 NYCRR 617.6 on February 20, 2024. 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, and 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 June 18, 2024. 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 approval is still pending and required for the proposed project.
9. The Planning Board found that the City of Newburgh Architectural Review Commission approval is still pending and required for the proposed project.
10. 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 complied with the requirements of Chapter 300 of the City of Newburgh Code of Ordinances, and more specifically the criteria outlined in Sections 300-87 and 300-89.
11. The Planning Board found that items listed for consideration in Section 300-87 and 300-89 but not noted on the final representations made by the application were specifically considered and deemed waived. The Planning Board further found that such waiver would not have detrimental effects on the public health, safety, or general welfare or have the effect of nullifying the intent and purposes of the site plan submission, the City of Newburgh Master Plan, or Chapter 300 of the City of Newburgh Code of Ordinances.
12. 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 March 6, 2024;
2. The Applicant shall satisfy all comments set forth in the Comment Letter of the City Planner, dated June 18, 2024;
3. The Applicant shall satisfy all comments set forth in the Comment Letter of the City Engineer, May 7, 2024; and
4. The Applicant shall obtain an approval from the City of Newburgh Architectural Review Commission for proposed exterior work at the Premises.
5. The Applicant shall obtain an approval from the City of Newburgh Zoning Board of Appeals for necessary area variances related to the project.

Planning Board Votes (Index No. 2023-42)

Moved by: Alicia Ware

Seconded by: Weaver Debe

	Aye	Nay	Abstain
Lisa Daily, Chairperson	<u>✓</u>	_____	_____
Weaver Debe, Member	<u>✓</u>	_____	_____
Alicia Ware, Member	<u>✓</u>	_____	_____
Duane Ware, Member	<u>✓</u>	_____	_____

Dated: June 18, 2024

Lisa Daily
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 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.: 2023-42

Name of Lead Agency: City of Newburgh Planning Board

Name of Responsible Officer in Lead Agency: Lisa Dally

Title of Responsible Officer: Chairperson

Signature of Responsible Officer in Lead Agency: *Lisa Dally* Date: June 18, 2024

Signature of Preparer (if different from Responsible Officer) *[Signature]* Date: June 18, 2024

For Further Information:

Contact Person: Jeremy Kaufman

Address: 83 Broadway, Newburgh, NY 12550

Telephone Number: 845-569-7335

E-mail: 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>

PRINT FULL FORM

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: 1 Lafayette Street			
Project Location (describe, and attach a general location map): 50, 50 1/2, 52, 54 Liberty Street (Tax # Section 40, Block 6, Lots 1.1, 11, 12, and 13)			
Brief Description of Proposed Action (include purpose or need): Construction of a mixed-use residential and first floor commercial building with 145 residential units on vacant land, project includes 8,904 square feet street-level retail units, and an underground parking garage with 42 spaces for a total of 46 combined on-site underground and surface parking spaces.			
Name of Applicant/Sponsor: 50-72 Liberty Street LLC		Telephone: (917) 656-9593	
		E-Mail: andrew@atlclabs.info	
Address: 15 Steves Lane			
City/PO: Gardiner		State: New York	Zip Code: 12525
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): Mid Hudson Film, LLC		Telephone: (845) 763-4490	
		E-Mail: vt1909@aol.com	
Address: 250 Lake Street			
City/PO: Newburgh		State: New York	Zip Code: 12550

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 Council, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	City Planning Board	December 8, 2023
c. City, Town or Village Zoning Board of Appeals ☒ Yes ☐ No	City Zoning Board of Appeals	December 8, 2023
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	Orange County Planning	December 8, 2023
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☒ Yes ☐ No	NYS DOS, NYS SHPO, NYS DEC, NYS HCR	December 8, 2023
h. Federal agencies ☒ Yes ☐ No	National Park Service	December 8, 2023
i. Coastal Resources, i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☒ Yes ☐ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.	
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? ☐ Yes ☒ No • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part I	
C.2. Adopted land use plans.	
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? ☒ Yes ☐ No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ 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?) ☒ Yes ☐ No If Yes, identify the plan(s): City of Newburgh - East End Historic District	
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? ☐ Yes ☒ 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. If Yes, what is the zoning classification(s) including any applicable overlay district?	☒ Yes ☐ No
Downtown Neighborhood Zone (DN)	
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
b. What police or other public protection forces serve the project site?	City of Newburgh Police Department
c. Which fire protection and emergency medical services serve the project site?	City of Newburgh Fire District, Mobile Life EMS
d. What parks serve the project site?	Washington's Headquarters State Historic Site, and Hasbrouck 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)?	
Mixed-use, Residential, and Commercial	
b. a. Total acreage of the site of the proposed action?	1.344 acres
b. Total acreage to be physically disturbed?	1.344 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	1.344 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:	24 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	_____	_____	_____	145
At completion of all phases	_____	_____	_____	145

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>64'</u> height; <u>195'-1 1/2"</u> width; and <u>294'-5 5/8'</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>100,738</u> 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: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☒ No	
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: 17,960 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: Newburgh City Water District 1
- 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: +/- 20,150 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: Renwick Street WWTP
- Name of district: Newburgh City Sewer District 1
- 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

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ On-site sanitary connections to existing City sewer.	☒ Yes ☐ No ☐ Yes ☒ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☒ No	
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): _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____		
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: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>1.33</u> acres (impervious surface) _____ Square feet or <u>1.34</u> acres (parcel size) ii. Describe types of new point sources. _____ building, walks, and courtyard - a SWPPP is required/provided	☒ Yes ☐ No	
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)? existing City sanitary sewer system _____ • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____		
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
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: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☒ No ☒ Yes ☐ No ☐ Yes ☒ No	
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: 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) ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☒ No ☐ Yes ☐ 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): _____

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): _____

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): _____
3 delivery vans/box trucks per day

iii. Parking spaces: Existing 0 Proposed 46 Net increase/decrease 46

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

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: _____
+/- 1,521,288 kwh per year

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 Electric and Gas/Grid

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:	ii. During Operations:
• Monday - Friday: <u>8:00 am - 5:00 pm</u>	• Monday - Friday: <u>24 hours</u>
• Saturday: _____	• Saturday: <u>24 hours</u>
• Sunday: _____	• Sunday: <u>24 hours</u>
• Holidays: _____	• Holidays: <u>24 hours</u>

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: 8:00 am - 5:00 pm construction activity	
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: Street lighting first floor surface-mounted wall light.	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____	
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: Potential food odor from potential restaurant tenants.	
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: <u>100</u> tons per <u>year</u> (unit of time) • Operation : <u>227.8</u> tons per <u>year</u> (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: <u>All materials to be removed from site and recycled to the greatest extent possible.</u> • Operation: <u>local recycle program</u> iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: <u>Hauled off-site by general contractor to certified landfill or recycler.</u> • Operation: <u>local trash hauler</u>	

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 Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.5	0.92	+0.42
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: permeable courtyard and landscaping	0.844	0.424	-0.42

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: _____
Orange County Community College, Orange County Social Services Department

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: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

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: _____

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): _____
☐ 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): 336036; 336055; 336042; 546031; B00188
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
336036-Classification Code 04; 336055-Classification Code 04; 336042-Classification Code C; 546031- Classification Code 2 - 80-88 S Golden St; B00188-Classification Code A - (Newburgh Paper Box Co Inc-UST closed and out of service; Mac's Cleaning Service, 35 S William St-UST closed; Warehouse, 28 Liberty St-UST closed; Royal Fine Woodworking Co, 759 Causon Ave-UST 5 closed.)

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No													
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☒ No • Explain: _____													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ >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? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">UR</td> <td style="width: 40%; text-align: right;">100 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">%</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">%</td> </tr> </table>		UR	100 %	_____	%	_____	%						
UR	100 %												
_____	%												
_____	%												
d. What is the average depth to the water table on the project site? Average: _____ >2 feet													
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">☐ Well Drained:</td> <td style="width: 30%; text-align: right;">_____ % of site</td> <td style="width: 40%;"></td> </tr> <tr> <td>☒ Moderately Well Drained:</td> <td style="text-align: right;">100 % of site</td> <td></td> </tr> <tr> <td>☐ Poorly Drained</td> <td style="text-align: right;">_____ % of site</td> <td></td> </tr> </table>		☐ Well Drained:	_____ % of site		☒ Moderately Well Drained:	100 % of site		☐ Poorly Drained	_____ % of site				
☐ Well Drained:	_____ % of site												
☒ Moderately Well Drained:	100 % of site												
☐ Poorly Drained	_____ % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">☒ 0-10%:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td>☐ 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td>☐ 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		☒ 0-10%:	100 % of site	☐ 10-15%:	_____ % of site	☐ 15% or greater:	_____ % of site						
☒ 0-10%:	100 % of site												
☐ 10-15%:	_____ % of site												
☐ 15% or greater:	_____ % 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: <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name _____	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? ☐ Yes ☒ No													
j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No													
k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No If Yes: 1. Name of aquifer: _____													

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
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? ☐ Yes ☒ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
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? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____ _____ _____	
E.3. Designated Public Resources On or Near Project Site	
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? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site: _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

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: <u>East End Historic District 90NR02320</u>	
iii. Brief description of attributes on which listing is based: <u>Associated with events that have made a significant contribution to patterns of history.</u>	
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: <u>Hudson River, Washington's Headquarters State Historic Site</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>scenic Hudson River and a state historic site</u> iii. Distance between project and resource: <u>0.24 and 0.04 miles.</u>	
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.

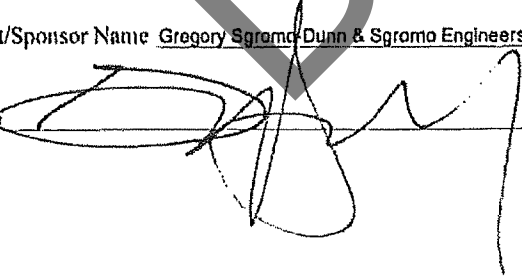
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

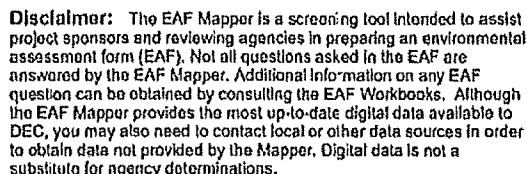
Applicant/Sponsor Name Gregory Sgromo-Dunn & Sgromo Engineers Date revised April 4, 2024

Signature



Title Project Engineer

Thursday, November 30, 2023 3:04 PM

Full Environmental Assessment Form - EAF Mapper Summary Report

E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon
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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Washington's Headquarters, East End Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

DRAFT

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

Project :	2023-42
Date :	June 18, 2024

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.

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

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	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

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	☐	☐
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	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
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	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
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	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

I. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater 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>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
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	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
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	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
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	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding 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>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air

The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f., D.2.h, D.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
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	☐	☐
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	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☒ NO

☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐

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	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
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	☐	☐
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	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

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

9. Impact on Aesthetic Resources 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>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
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	☐ ☐	☐ ☐
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	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
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	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources 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>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☒	☐
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	☒	☐
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	☒	☐

d. Other impacts: _____		☒	☐
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	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
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	☐	☐

11. Impact on Open Space and Recreation 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.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
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	☐	☐
c. Other impacts: _____		☐	☐

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	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

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	☒	☐
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	☒	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒	☐
e. Other Impacts: _____		☒	☐

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	☒	☐
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	☒	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☒	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☒	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☒	☐
f. Other impacts: _____ _____		☒	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
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	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
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.)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	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	☐	☐
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	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
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	☐	☐
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	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

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)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	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	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
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	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

Project Number: PB No.: 2023-42
Property Address: 50, 50 1/2, 52, and 54 Liberty Street
Date of Action: June 18, 2024
Supplement to SEQRA Full EAF, Section III

50-72 Liberty Street, LLC (the "Applicant") proposes to construct a mixed use residential and commercial building on vacant land (the "Project"). The Project is to include 145 residential units, approximately 4 street-level retail units, and underground parking garage with 42 spaces. The Project site is approximately 1.34 acres and will include a 39,503 sq. ft. building footprint. Once completed, the project will be served by municipal water and sewer from the City.

The Project is located in the City's Downtown Neighborhood zoning district, as well as the East End Historic Overlay District. Mixed-use residential/retail uses are permitted as of right in the Downtown Neighborhood district, subject to site plan approval from the Planning Board. Among other permits and approvals, the Applicant is also seeking area variances from the City of Newburgh Zoning Board of Appeals, for the minimum side yard setback and minimum number of required off-street parking spaces.

The Project is to be located on four (4) tax parcels (40-6-1.1; 40-6-11; 40-6-12 and 40-6-13) which will be merged prior to the signing of the Site Plan and is located at the corner of Liberty Street and Lafayette Street. The parcels are all currently vacant, and formerly consisted of a number of factory buildings that were approximately four/five stories high and totaled approximately 144,000 square feet in size. The old factory buildings were demolished in the 1980s. The property is bounded by primarily residential uses on all sides, as well as a handful of restaurant uses. George Washington's Headquarters is located directly to the North of the Property.

Findings

In accordance with the regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), Part 1 of the Full Environmental Assessment Form, dated February 7, 2024, was submitted by the Applicant and reviewed by the Planning Board. The Planning Board determined that the action should be classified as a Type I Action. The Planning Board circulated a Notice of Intent to Act as lead Agency, and there being no opposition, on February 20, 2024, the Planning Board assumed lead Agency status.

Based upon an extensive review of the site plan and submitted studies, comments submitted by the public, analysis and comments of the Planning Board and its consultants and outside agencies, it has been determined that the proposed action will not have a significant adverse impact on the environment. The following shall serve as the Board's findings to its review of the Full EAF Part II, evaluating specific potential environmental concerns.

1. Impacts on Land

Although construction will occur on land that is currently vacant, the Applicant has provided a Grading Plan, Erosion and Sediment Control Plan and Details, and a Stormwater Pollution

Prevention Plan (SWPPP), all of which have been reviewed and determined acceptable by the City Engineer. The SWPPP addresses stormwater pollution prevention and soil erosion and sediment control best management practices that shall be employed in order to obtain coverage under the NYSDEC General Permit governing stormwater discharges during construction. To comply with these regulatory requirements, stormwater control measures must be designed to ensure that there is no increase in stormwater discharges from the Project Site as compared to existing conditions and that any stormwater discharge from the Project Site does not cause a contravention of the State's water quality control standards. To ensure continuing achievement of design standards, the Applicant's proposal would include measures for long-term monitoring and maintenance of the performance of the stormwater control measures.

During construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures would be installed, implemented and maintained on the Project Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State's water quality standards. These measures would be designed to limit erosion of land by controlling the flow of water until permanent stormwater control measures are installed and pervious surfaces are stabilized with vegetation and/or building and parking areas. Measures would include, but not be limited to installation of silt-fencing to control disturbed surfaces; dust control (as necessary); and ongoing inspection and maintenance of erosion control measures to ensure their effectiveness until all disturbed surfaces are stabilized (including weekly or more frequently inspections). All erosion and sediment control measures would be required to comply with the New York State Standards and Specifications for Erosions and Sediment Control, dated November 2016, or any later version.

Post-construction stormwater management practices as set forth in the SWPPP would be designed to conform to applicable requirements in NYSDEC general stormwater permit and the standards provided by New York State Stormwater Management Design Manual ("Design Manual") (dated January 2015, or any later version). Through the SWPPP, the installation, implementation and maintenance of permanent stormwater management practices must meet or exceed the standards in the Design Manual as described in the SWPPP so that discharge comply with the State's water quality and quantity standards.

Specifically, post-construction, the stormwater management system would collect stormwater run-off from the Project Site through a series of catch basins and pipes and convey the water to stormwater collection practices, including hydrodynamic separators and underground detention to existing storm sewer line running south down Johnnes Street to connect to a trunk sewer at the intersection of Johnnes Street and South William Street. Sediments and other contaminants in the run-off would be treated as described in the SWPPP to ensure the stormwater discharges meet applicable water quality standards.

The implementation of the stormwater and erosion/sediment control plans to be completed during amended site plan review in conformance with statutory requirements would provide the protections required for surrounding landowners and the City without the need for specific mitigation as a condition of approval. Thus, the protections cover both the period during construction and after construction.

In addition, the site was previously disturbed with the construction of the old factory, it is mostly flat and will not result in any significant disturbances to steep slopes. Accordingly, any potential adverse impacts to the land associated with the Project would be avoided.

2. Impacts on Water Resources and Wetlands

The NYSDEC provided correspondence dated February 9, 2024 which indicated that there are no waterbodies on-site and the Project is not within a New York State protected Freshwater Wetland. Nor does the Project site contain a federally regulated wetland. Accordingly, any potential adverse impacts of the Project related to water resources and wetlands would be avoided.

3. Impacts on Sewer and Water

No significant adverse impacts on groundwater would occur from the Project. The Project will not use groundwater for water supply purposes nor involve the on-site discharge of wastewater. Instead, the Applicant will serve the Project through the City's municipal water and sewer systems. The City Engineer has reviewed and accepted the proposed usage and connections associated with the Project. The project will connect to and utilize existing sanitary facilities, and will connect to the sanitary trunk sewer at the intersection of Johnnes Street and South William Street. Existing sanitary lines will be repaired and upgraded as necessary between the building connection and the trunk sewer.

Accordingly, any potential adverse impacts to municipal water supply and sewage treatment facilities associated with the project would be avoided.

4. Impacts on Transportation and Traffic

The Project Site is located at the intersection of Liberty Street and Lafayette Street, as well as the intersection of Lafayette and Johnnes Street. The project proposes a new full-movement vehicular driveway onto Johnnes Street, which will provide access to 46 off-street parking spaces. The development requires 158 spaces per the City of Newburgh Zoning Code and thus will require a parking variance of 112 spaces.

The Applicant's Traffic Engineer, Creighton Manning, prepared a Traffic Impact and Parking Study, dated February 8, 2024, which was reviewed by the City's Engineer and Planner. In response to comments from the City's Engineer and Planner, Creighton Manning submitted supplemental reports on February 20, 2024 (revision 1) and March 7, 2024 (revision 2), which were also reviewed and generally accepted by the City's Engineer and Planner. In order to evaluate the proposed application, Creighton Manning performed traffic counts and intersection capacity analyses at 10 study area intersections during four study peak periods. Future traffic generation was calculated based on the industry-standard ITE Trip Generation Manual, 11th Edition. Creighton Manning also performed parking utilization counts during multiple peak periods within a ¼-mile radius of the subject site, which includes over 1,500 parking spaces.

In short, the Traffic Impact and Parking Study prepared by Creighton Manning concludes the following:

- a) The proposed development will generate 64 vehicle trips in the weekday AM peak hour, 57 vehicle trips in the weekday midday peak hour, 57 vehicle trips in the weekday PM peak hour, and 64 vehicle trips during the Saturday midday peak hour.
- b) The level of service analysis indicates that the study intersections currently operate at an overall LOS B or better during all study peak hours and will continue to do so in the Build condition. The proposed development is not anticipated to have a significant adverse impact on the roadway network.
- c) The development requires 158 spaces per the City of Newburgh Zoning Code. A parking variance of 112 spaces is being proposed. The project seeks to satisfy its parking requirement by utilizing available public parking in the nearby vicinity of the subject site to supplement the proposed 46 off-street parking spaces. Such parking includes on-street/curbside parking and municipal off-street lots. Based on the conservative evaluation of parking within 500-ft and ¼-mile radii described herein, it is evident that there is sufficient parking near the project site to accommodate the peak demand.

5. Impacts on Air Quality, Noise & Light

The Project does not involve a State regulated air emission source or involve any activity that will have more than a minimal impact on air quality. The Project site is located within the Downtown Neighborhood zoning district, at the intersection of three City streets. Once construction is complete, the project will generate noise and light that is similar in nature to the ambient noise levels along Liberty Street, Lafayette Street and Johnnes Street. During construction, work will be limited to the days and times permitted in the City's Code. Any construction will take place pursuant to the approved site plans, building permits, and with periodic inspections from the City's Code Compliance Department. Additional vegetation and separation area has been proposed to further mitigate any noise impacts around the proposed dumpster. Finally, all new exterior lighting was shown on a Lighting Plan that has been reviewed by the City's consultants. All proposed exterior lighting is to be downward facing to minimize sky glow and light pollution. In fact, all proposed lighting is dark sky compliant and is less than 2,700 Kelvin.

No significant adverse impacts to existing air quality, noise or light are anticipated.

6. Impacts on Plants and Animals

The Project site has been previously disturbed with the construction of the old factory that was demolished in the early 1980s. The site has been a vacant lot since the early 1980s. The NYSDEC was contacted; and it noted that the Project site is located within or near known occurrences of the Bald Eagle, which is listed as a Threatened Species. However, the DEC's letter also noted that since the Project site is over 0.5 miles from the closest Bald Eagle nest, the Project is not likely to impact Bald Eagles. The Project site is also devoid of any trees and does not contain any habitat for rare, threatened, or endangered species. Given the urban setting and already-disturbed nature of the Project site, no significant adverse impact to plants and animals is anticipated.

7. Impacts on Agricultural Resources

The Project is not within an Agricultural District and the Project site does not support the production of Agricultural materials in any way. Accordingly, any potential adverse impacts to Agricultural Resources associated with the project will be avoided.

8. Impacts on Historic and Archeological Resources

After review and coordination with the New York State Historic Preservation Office (SHPO), SHPO issued a letter, dated April 2, 2024, wherein it concluded that the Project, as described, will have no adverse effect on historical or archeological resources. Given that the Project site is currently vacant, and the Project design will be in keeping with the characteristics of the historical and existing neighborhood, no impacts on historical or archeological resources are anticipated.

9. Impacts on Aesthetic Resources

The proposed building is five stories in height and has been designed so that it is consistent with the historical building at the site. The Applicant has proposed a site plan and building design, including landscaping, that would mitigate the visual impacts of the Project. In coordination with the City's Architectural Review Commission (ARC) and its design guidelines, the building design would respect existing community character and local architectural styles. As noted above, SHPO has concluded there will be "No Adverse Effect" on historic or archeological resources.

No variances are sought for the height or size of the building. A Landscaping Plan has been prepared in order to partially screen and buffer the visual impacts of the Project.

The Applicant also submitted a detailed historic massing study, which was reviewed by SHPO. In its letter dated April 2, 2024, SHPO concluded that the proposed building aligns with its historical context.

Given the above, the Project will not have any significant adverse impacts on aesthetic resources.

10. Impact on Energy

The Project is located within Central Hudson Gas and Electric's service area and will be served by existing electricity and gas lines located adjacent to the Project site. Impacts are not anticipated.

11. Environmental Health

The Project site had previously been developed with large factory buildings and several other out-buildings that caught fire and were later demolished in 1981. A Phase II Environmental Site Assessment (ESA) prepared by PVE Engineering detailed observations of historic fill (and associated contaminants) in soil borings installed throughout the subject property; likely resulting from demolition and infilling of basements with building materials. The construction of the proposed building will involve: 1) the excavation and off-site disposal of some of this fill type (in accordance with applicable State regulations) and/or; 2) effectively capping the historic fill in place

beneath an engineered cover consisting of the hardscapes (building foundation, sidewalks, asphalts) or clean soil covers (minimum 12-inches thick) in accordance with 6 NYCRR Part 360.

The Project will effectively remove some amount of on-site historic fill/known contaminants deposited by previous development(s) via landfilling of excess historic fill. Further, as it relates to human health and the environment, the project will eliminate the “direct-exposure” pathway to any remaining on-site soil contaminants through the construction of the new building and site-wide coverings.

As such, the Project will not have any significant adverse impacts on environmental health.

12. Consistency with Community Plans

The Mixed-Use Project consisting of residential and retail uses is consistent with the City’s Land use Plan, adopted on September 12, 2011. The Project site has specifically been included within an area ripe for the re-development of mixed uses consistent with the traditional urban/city neighborhood. Further, the City’s Land Use Plan notes that by promoting mixed-use development and increasing residential density in this area, the City will reestablish a physical and walkable connection between the Broadway Corridor and the waterfront (see page 15).

The Project also provides needed housing to combat the City’s current housing crisis. As currently programed, the Project’s unit matrix includes 127 affordable units with rents geared towards individuals earning 30%, 50%, 60%, 70% and 80% of AML, as well as 18 market rate units for a total of 145 units.

Additional aspects include 8,000-10,000 square feet of street facing retail along the Liberty Street Commercial Corridor, with the added benefit of creating entry level and middle income jobs for members of the community as well as 20,000 square feet of underground parking accessible by way of Johnnes Street.

Finally, the City of Newburgh Conservation Advisory Council (CAC) reviewed the application with respect to the City’s Local Waterfront Revitalization Program (LWRP). The City’s CAC concluded that the given the Project’s minimal site improvements the proposed Project is consistent with the City’s LWRP policy standards.

13. Consistency with Community Character

The Project is consistent with the existing commercial and residential character of the areas surrounding the site. The mixed-use residential and retail Project is permitted, as of right, in the subject zoning district (Downtown Neighborhood) as well as the applicable East End Historic Overlay district. The Project is merely subject to site plan review by the Planning Board. The Applicant is seeking two area variances from the Zoning Board of Appeals. One is for the minimum side yard setback and the other is for off-street parking. A Traffic Impact Study has been submitted, and reviewed by the City’s Engineer, to address the off-street parking variance; and is further discussed above. The setback variance is consistent with the historical use of the property and the existing community character.

The Project site is bounded to the north by Washington Headquarters State Historic Site; to the east by an historic factory condominium complex containing 120 units; directly to the south by a small series of 3 story residential and mixed use buildings with store front retail and residential apartments above, as well as two small commercial garages; and to the east by a series of 2 and 3 story residential and mixed use buildings with store front retail and residential units above. In the immediate vicinity beyond additional instances of the aforementioned abound, as well as buildings that serve light manufacturing/industrial uses and large format retail.

Given the above, there will be no significant adverse impacts on the existing community character.

DRAFT

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

Resolution No. 2025-04-21-06

**COMMERCIAL/RETAIL FINDINGS RESOLUTION
LIBERTY STREET APARTMENTS, LLC PROJECT**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at the Newburgh Activity Center, 401 Washington Street, Newburgh, New York on April 21, 2025 at 6:30 o'clock p.m., local time.

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

PRESENT:

Michael Nepl
Alexandra Church
Vickiana DeMora
Sharonda Powell

Chair
Vice Chair
Treasurer
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.

Executive Director
Financial Administrator
Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

RESOLUTION (A) DETERMINING THAT THE PROPOSED FOR LIBERTY STREET APARTMENTS, LLC IS A COMMERCIAL PROJECT AND (B) MAKING CERTAIN FINDINGS REQUIRED UNDER THE GENERAL MUNICIPAL LAW.

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 August 16, 2024, Liberty Street Apartments, LLC, by its predecessor in interest, 50-72 Liberty Street LLC (collectively, 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 and amended by the Company prior to the holding of the public meeting described below (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 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 Application addresses a housing need in the City of Newburgh which is consistent with Governor Hochul’s Executive Order No. 30 (July 18, 2023) (the “Executive Order”) requiring all Affected State Entities (including public authorities defined in section two of the public authorities law) to consider the goal of creating additional housing in any policy or programmatic decisions and where appropriate shall collaborate with other Affected State Entities to effectuate that goal; and

WHEREAS, by Resolution Nos. 2024-12-16-02 and 2024-10-21-03, adopted by the members of the Agency respectively on December 16, 2024 and October 21, 2024 (collectively, the “Public Hearing Resolution”), the Agency authorized a public hearing (the “Public Hearing”) to be held pursuant to Section 859-a of the Act with respect to the Project; 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 of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice (the “Deviation Notice”) of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Pilot Request was for a term of thirty-two (32) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of thirty-two (32) years is consistent with the provisions of Section 577 of the Private Housing Finance Law, which permits tax exemption for a housing development up to forty (40) years; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of the Public Hearing of the Agency 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, including the Pilot Request for a deviation from the Policy, to be mailed on January 6, 2025 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 Public Hearing to be posted on December 19, 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 Public Hearing to be published on December 22, 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 Public Hearing on January 22, 2025 at 6:30 o'clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (E) caused to be prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused a copy of said 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 its intent to act as "lead agency" for a "coordinated review" of a "Type I Action" with respect to the Project on December 19, 2023, (2) the Planning Board exercised due diligence in identifying other "involved agencies" known at that time; (3) the Planning Board declared itself as the Lead Agency for the coordinated review of the Project on February 20, 2024 pursuant to 6 NYCRR 617.6; and (4) the Planning Board issued a Determination of Significance through the issuance of a Negative Declaration issued on June 18, 2024 (the "Negative Declaration"), 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. 2025-04-21-05 dated April 21, 2025 (the "SEQRA Resolution") 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, in Opinion of the State Comptroller Number 85-51, the State Comptroller indicated that the determination whether a project that consists of the construction of an apartment house is a commercial activity within the meaning of the Act is to be made by local officials based upon all of the facts relevant to the proposed project, and that any such determination should take into account the stated purpose of the Act, that is, the promotion of employment opportunities and the prevention of economic deterioration; 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 6, 2024, 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 5, 2024, 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 transcript of the Public Hearing; (E) the Opinion of the State Comptroller Number 85-51; (F) the Executive Order; (G) the Newburgh Housing Report (Working Paper I: Housing Needs Assessment) dated June 4, 2021; and (H) copies of correspondence from the public 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 158 direct and indirect full-time equivalent construction jobs at the Project Facility during the approximately thirty-six month construction period; (B) the Project will result in 52 permanent jobs, from new household spending and onsite operations, earning approximately \$2,488,153.00 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 \$752,512.00 related to new household spending; and (D) over the course of the 32 years, the Project will generate an increase of \$7,982,371.00 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, 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, pursuant to 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 Sections 859-a and 874(4) 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 Sections 859-a and 874(4) of the Act with respect to the Project, the Agency now desires to make its final findings with respect to the Project and its final determination whether to proceed with the Project;

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

Section 1. Based upon an examination of the Project Qualification Documents and based further upon the Agency's knowledge of the area surrounding the Project and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project:

A. The Project is located in an area having a mixture of residential, not-for-profit, commercial, retail, and service uses.

B. The Project Qualification Documents makes the following comments/findings regarding housing in the City of Newburgh:

- Project will make the City more walkable with addition of street lights, newly paved sidewalks and small changes to the routing of traffic;
- Project will add affordable housing, a major benefit to the community, addressing a critical need that will provide stability and opportunities for local residents;
- Project has an opportunity to extend what's already happening on Liberty Street and just make that whole area a "core district" for the City rather than the vacant site in disrepair; it would be amazing to get something done after many decades of being vacant and empty; a beautiful project that would add a lot of value to the City.

C. That undertaking the Project is consistent with the Project Qualification Documents and will assist and maintain current and future residential and commercial development and expansion in the neighborhood area.

D. The Company has informed the representatives of the Agency that the Project will result in the expansion of the local consumer base which will increase support for local business and employers.

E. The Company has informed the Agency that the Project is expected to create approximately two (2) full time or part time private sector jobs at the residential units of the Project Facility, plus twelve (12) full time or part time private sector jobs at the commercial units of 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. In addition, the Company expects to create one hundred forty-eight (148) direct and ten (10) indirect full time equivalent construction jobs at the Project Facility.

F. The Company has informed representatives of the Agency that the Company is not aware of any adverse employment impact caused by the undertaking of the Project.

Section 2. Based upon the foregoing review of the Project Qualification Documents and based further upon the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its economic effects as the Agency has deemed appropriate, the Agency makes the following determinations with respect to the Project:

A. The Project is located in a "highly distressed area" (as defined in the Act).

B. That (1) the Project Facility will provide necessary infrastructure for area employers and businesses, (2) the completion of the Project Facility will have an impact upon the creation, retention and expansion of employment opportunities in the City of Newburgh and in the State of New York, and (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.

C. That the acquisition, reconstruction, renovation and installation of the Project Facility is essential to the retention of existing employment and 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.

D. That the Project constitutes a "commercial" project, within the meaning of the Act.

E. That 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.

Section 3. Having reviewed the Public Hearing Report, and having considered fully all comments contained therein, including the written comments received from various individuals and businesses, and based upon the findings contained in Section 1 above, the Agency hereby determines to proceed with the Project and the granting of the financial assistance described in the notice of the Public Hearing.

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:

Michael Neppi	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 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 April 21, 2025 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 _____ 2025.

Secretary

(SEAL)

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

Resolution No. 2025-04-21-07

**PILOT DEVIATION APPROVAL RESOLUTION
LIBERTY STREET APARTMENTS, LLC PROJECT**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at the Newburgh Activity Center, 401 Washington Street, Newburgh, New York on April 21, 2025 at 6:30 o'clock p.m., local time.

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

PRESENT:

Michael Neppi
Alexandra Church
Vickiana DeMora
Sharonda Powell

Chair
Vice Chair
Treasurer
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.

Executive Director
Financial Administrator
Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

RESOLUTION AUTHORIZING A DEVIATION FROM THE AGENCY'S
UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE
PROPOSED PAYMENT IN LIEU OF TAX AGREEMENT TO BE ENTERED
INTO BY THE AGENCY IN CONNECTION WITH THE PROPOSED
PROJECT FOR LIBERTY STREET APARTMENTS, 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 August 16, 2024, Liberty Street Apartments, LLC, by its predecessor in interest, 50-72 Liberty Street LLC (collectively, 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 and amended by the Company prior to the holding of the public meeting described below (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 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 Application addresses a housing need in the City of Newburgh which is consistent with Governor Hochul’s Executive Order No. 30 (July 18, 2023) (the “Executive Order”) requiring all Affected State Entities (including public authorities defined in section two of the public authorities law) to consider the goal of creating additional housing in any policy or programmatic decisions and where appropriate shall collaborate with other Affected State Entities to effectuate that goal; and

WHEREAS, by Resolution Nos. 2024-12-16-02 and 2024-10-21-03, adopted by the members of the Agency respectively on December 16, 2024 and October 21, 2024 (collectively, the “Public Hearing Resolution”), the Agency authorized a public hearing (the “Public Hearing”) to be held pursuant to Section 859-a of the Act with respect to the Project; 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 of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice (the “Deviation Notice”) of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Pilot Request was for a term of thirty-two (32) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of thirty-two (32) years is consistent with the provisions of Section 577 of the Private Housing Finance Law, which permits tax exemption for a housing development up to forty (40) years; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of the Public Hearing of the Agency pursuant to Section 859-a and 874(4) 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, including the Pilot Request for a deviation from the Policy, to be mailed on January 6, 2025 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 Public Hearing to be posted on December 19, 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 Public Hearing to be published on December 22, 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 Public Hearing on January 22, 2025 at 6:30 o'clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (E) caused to be prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused a copy of said 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 its intent to act as "lead agency" for a "coordinated review" of a "Type I Action" with respect to the Project on December 19, 2023, (2) the Planning Board exercised due diligence in identifying other "involved agencies" known at that time; (3) the Planning Board declared itself as the Lead Agency for the coordinated review of the Project on February 20, 2024 pursuant to 6 NYCRR 617.6; and (4) the Planning Board issued a Determination of Significance through the issuance of a Negative Declaration issued on June 18, 2024 (the "Negative Declaration"), 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. 2025-04-21-05 dated April 21, 2025 (the "SEQRA Resolution") 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, by further resolution No. 2025-04-21-06 adopted by the members of the Agency on April 21, 2025 (the "Commercial/Retail Finding Resolution"). the Agency (A) determined that the Project constituted a "Commercial Project" within the meaning of the Act, (B) found that although the Project Facility appears to include facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities, such facilities will not constitute more than one-third of the costs of the Project, (C) and determined, following a review of the Public Hearing Report, that the Project would serve the public purposes of the Act by creating direct and indirect private sector jobs in the State of New York; and

WHEREAS, through the Deviation Notice letter, the Chief Executive Officer of the Agency notified the chief executive officers of the Affected Tax Jurisdictions of the proposed deviation from the Agency's uniform tax exemption policy and further notified said chief executive officers that the members of the Agency would consider such proposed deviation at the Public Hearing;

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

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

WHEREAS, during the Public Hearing, six (6) verbal comments were received in opposition to the deviation from the Agency's Policy with respect to the Project; and

WHEREAS, after the Public Hearing, the following letters and/or signatures in support of the Project were received by the Agency which are attached to the Public Hearing Report:

<u>NAME</u>	<u>NAME</u>
Andres Santiago	Robert Fontine and Monica Coronatti
Anoushae Eirabie	Doria Paci
Austin DuBois	Eli Vaknin
Bibi Lorenzetti	Jonathan Falcon
Brandon Grimila	Katherine Iles
Carson Carter	Kelly Schroer
Dan Gilbert	Safe Harbors of the Hudson
Matthew Iles	Megan Galbraith
Michele Basch	Nadia Tarr
Naomi Hersson-Ringskog	Sam Ottenhoff
Sam Satanovsky	Wendy W. Smith

; 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 Sections 859-a 874(4) 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 requested deviation from the Policy as requested by the Company.

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

Section 1. The Agency hereby finds and determines as follows:

(A) The Agency has not received any response from any of the Affected Tax Jurisdictions to the Deviation Notice letter.

(B) The Agency has given each Affected Tax Jurisdiction the opportunity to be heard at the Public Hearing and thereafter through written submissions to the Agency regarding the proposed deviation and the Agency has not received any comments from such jurisdictions.

Section 2. Based upon (A) the findings and determinations in Section 1 above, (B) any comments received at the Public Hearing, (C) input received at the Public Hearing or thereafter from the Affected Tax Jurisdictions with respect to the proposed deviation, (D) the Agency's knowledge of the Project, (E) the recommendations of Agency staff, and (F) such further investigation of the Project and the effect of the proposed deviation as the Agency has deemed appropriate, the Agency hereby determines to deviate from the Agency's uniform tax exemption policy with respect to the terms of the proposed payment in lieu of tax agreement to be entered into by the Agency with respect to the Project Facility for the reasons set forth in the Pilot Deviation Letter. Based upon the aforementioned, the Agency hereby approves a deviation from the Agency's uniform tax exemption policy, the terms of the approved deviation to be as described in the Pilot Request letter attached hereto as Exhibit A.

Section 3. Upon preparation by special counsel to the Agency of a payment in lieu of tax agreement with respect to the Project Facility reflecting the terms of this resolution (the "Payment in Lieu of Tax Agreement") and approval of same by the Chair (or Vice Chair) of the Agency, the Chair (or Vice Chair) of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Payment in Lieu of Tax Agreement, 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 such form as is approved by the Chair (or Vice Chair), the execution thereof by the Chair (or Vice Chair) to constitute conclusive evidence of such approval.

Section 4. 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 Payment in Lieu of Tax Agreement, 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 Payment in Lieu of Tax Agreement binding upon the Agency.

Section 5. 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:

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 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 April 21, 2025 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 _____ 2025.

Secretary

(SEAL)

EXHIBIT A

Copy of Pilot Request Letter Dated December 19, 2024

and

Mailed January 6, 2025

DRAFT

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

December 19, 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

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

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

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

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

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

The Honorable Giselle Martinez, 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

December 19, 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
Liberty Street Apartments, 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").

Liberty Street Apartments, 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://newburghindustrialdevelopmentagency.org/>), 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 December 16, 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://newburghindustrialdevelopmentagency.org/>.) At its December 16, 2024 regular meeting, the Agency approved an amendment to the Public Hearing Resolution. The Public Hearing to consider the Project and the deviation from the Policy is scheduled for **January 22, 2025**.

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 December 16, 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]

PILOT TAX YEAR	PROPOSED PILOT PAYMENT DUE	APPROXIMATE PILOT ABATEMENT PERCENTAGE*
1	\$108,750	31%
2	\$112,013	31%
3	\$115,373	32%
4	\$118,834	32%
5	\$122,399	32%
6	\$126,071	32%
7	\$129,853	33%
8	\$133,749	33%
9	\$137,761	33%
10	\$141,894	34%
11	\$146,151	34%
12	\$150,535	34%
13	\$155,051	35%
14	\$159,703	35%
15	\$164,494	35%
16	\$169,429	36%
17	\$174,512	36%
18	\$261,768	53%

19	\$269,621	54%
20	\$277,709	54%
21	\$286,041	55%
22	\$294,622	55%
23	\$303,461	56%
24	\$312,564	56%
25	\$321,941	57%
26	\$482,912	84%
27	\$497,399	84%
28	\$512,321	85%
29	\$527,691	86%
30	\$543,522	87%
31	\$559,827	88%
32	\$576,622	89%

*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 **January 22, 2025**. 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): \$7,982,371 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 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 than \$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 \$7,173,372 (estimated per the Agency Cost-Benefit Analysis).
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 fifty-two (52) 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,



Michael Neppi, Chair
City of Newburgh
Industrial Development Agency

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

Resolution No. 2025-04-21-08

**APPROVING RESOLUTION
LIBERTY STREET APARTMENTS, LLC PROJECT**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at the Newburgh Activity Center, 401 Washington Street, Newburgh, New York on April 21, 2025 at 6:30 o'clock p.m., local time.

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

PRESENT:

Michael Nepl
Alexandra Church
Vickiana DeMora
Sharonda Powell

Chair
Vice Chair
Treasurer
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.

Executive Director
Financial Administrator
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 LIBERTY STREET
APARTMENTS, 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 August 16, 2024, Liberty Street Apartments, LLC, by its predecessor in interest, 50-72 Liberty Street LLC (collectively, 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 and amended by the Company prior to the holding of the public meeting described below (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 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 Application addresses a housing need in the City of Newburgh which is consistent with Governor Hochul’s Executive Order No. 30 (July 18, 2023) (the “Executive Order”) requiring all Affected State Entities (including public authorities defined in section two of the public authorities law) to consider the goal of creating additional housing in any policy or programmatic decisions and where appropriate shall collaborate with other Affected State Entities to effectuate that goal; and

WHEREAS, by Resolution Nos. 2024-12-16-02 and 2024-10-21-03, adopted by the members of the Agency respectively on December 16, 2024 and October 21, 2024 (collectively, the “Public Hearing Resolution”), the Agency authorized a public hearing (the “Public Hearing”) to be held pursuant to Section 859-a of the Act with respect to the Project; 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 of Orange, the City of Newburgh, and the Newburgh Enlarged City School District, the school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice (the “Deviation Notice”) of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Pilot Request was for a term of thirty-two (32) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of thirty-two (32) years is consistent with the provisions of Section 577 of the Private Housing Finance Law, which permits tax exemption for a housing development up to forty (40) years; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of the Public Hearing of the Agency 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, including the Pilot Request for a deviation from the Policy, to be mailed on January 6, 2025 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 Public Hearing to be posted on December 19, 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 Public Hearing to be published on December 22, 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 Public Hearing on January 22, 2025 at 6:30 o'clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (E) caused to be prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused a copy of said 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 its intent to act as "lead agency" for a "coordinated review" of a "Type I Action" with respect to the Project on December 19, 2023, (2) the Planning Board exercised due diligence in identifying other "involved agencies" known at that time; (3) the Planning Board declared itself as the Lead Agency for the coordinated review of the Project on February 20, 2024 pursuant to 6 NYCRR 617.6; and (4) the Planning Board issued a Determination of Significance through the issuance of a Negative Declaration issued on June 18, 2024 (the "Negative Declaration"), 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. 2025-04-21-05 dated April 21, 2025 (the "SEQRA Resolution") 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, by further resolution No. 2025-04-21-06 adopted by the members of the Agency on April 21, 2025 (the "Commercial/Retail Finding Resolution"). the Agency (A) determined that the Project constituted a "Commercial Project" within the meaning of the Act, (B) found that although the Project Facility appears to include facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities, such facilities will not constitute more than one-third of the costs of the Project, (C) and determined, following a review of the Public Hearing Report, that the Project would serve the public purposes of the Act by creating direct and indirect private sector jobs in the State of New York; and

WHEREAS, by Resolution No. 2025-04-21-07 adopted by members of the Agency on April 21, 2025 (the “Pilot Deviation Approval Resolution”), the members of the Agency determined to deviate from the Agency’s Policy 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 6, 2024, 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 5, 2024, 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 transcript of the Public Hearing, respectively; (E) the Opinion of the State Comptroller Number 85-51; (F) the Executive Order; (G) the Newburgh Housing Report (Working Paper I: Housing Needs Assessment) dated June 4, 2021; and (H) copies of correspondence from the public 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 158 direct and indirect full-time equivalent construction jobs at the Project Facility during the approximately twelve month construction period; (B) the Project will result in 52 permanent jobs, from new household spending and onsite operations, earning approximately \$2,488,153.00 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 \$752,512.00 related to new household spending; and (D) over the course of the 32 years, the Project will generate an increase of \$7,982,371.00 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, 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, during the Public Hearing, six (6) verbal comments were received in opposition to the deviation from the Agency’s Policy with respect to the Project; and

WHEREAS, after the Public Hearing, the following letters and/or signatures in support of the Project were received by the Agency which are attached to the Public Hearing Report:

<u>NAME</u>	<u>NAME</u>
Andres Santiago	Robert Fontine and Monica Coronatti
Anoushae Eirabie	Doria Paci

Austin DuBois	Eli Vaknin
Bibi Lorenzetti	Jonathan Falcon
Brandon Grimila	Katherine Iles
Carson Carter	Kelly Schroer
Dan Gilbert	Safe Harbors of the Hudson
Matthew Iles	Megan Galbraith
Michele Basch	Nadia Tarr
Naomi Hersson-Ringskog	Sam Ottenhoff
Sam Satanovsky	Wendy W. Smith

; 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 Sections 859-a and 874(4) 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 Financial 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. (a) The Public Hearing is hereby closed to further written public comments; and (b) all action taken by the Chair and/or any Member or staff of the Agency with respect to the Public Hearing and the with respect to the Project, the requested Financial Assistance, the Pilot Request and the Pilot Deviation 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 affect 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 Commercial/Retail Finding Resolution, the Pilot Deviation Approval Resolution, the Executive Order, and the Project Qualification Documents, 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 \$74,273,933.00.

(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 productive use of vacant industrial land in the City of Newburgh; and (7) 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 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) The Project will be subject to the Agency's Local Labor Policy (the "Labor Policy"). In accordance with such Labor Policy, and the practice of the Agency, the Company will deposit with the Agency, together with the execution of the Agency Documents, a sufficient amount for the payment of future fees incurred by Loewke Brill Consulting Group, Inc., the Agency's independent monitor (the "Agency Independent Monitor") for its Project compliance review under the Labor Policy consistent with the Agency Independent Monitor's contract with the Agency.

(K) The Company will submit such evidence supporting the benefits provided to the Project annually as required by the Agency Documents and the State Authorities Budget Office including, without limitation, certified payroll reports. The Agency reserves the right to utilize the Agency Independent Monitor in reviewing any and all annual compliance information and records, including, but not limited to, the review required under the Labor Policy. The fees of the Agency Independent Monitor for the annual review shall be paid annually by the Company and be in addition to the fees paid to the Agency Independent Monitor for compliance review of the Labor Policy.

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

<u>TYPE OF FINANCIAL ASSISTANCE</u>	<u>AMOUNT OF APPROVED FINANCIAL ASSISTANCE</u>
Payment in Lieu of Real Estate Taxes	\$7,173,372 (cumulative)
TOTAL APPROVED FINANCIAL ASSISTANCE	\$7,173,372

(M) 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 annual payments (each a “Pilot Payment” and together “Pilot Payments”) for the entire Project Facility as follows:

PILOT TAX YEAR	PILOT PAYMENT DUE	APPROXIMATE PILOT ABATEMENT PERCENTAGE*
1	\$108,750	69%
2	\$112,013	69%
3	\$115,373	69%
4	\$118,834	69%
5	\$122,399	68%
6	\$126,071	68%
7	\$129,853	68%
8	\$133,749	67%
9	\$137,761	67%
10	\$141,894	67%
11	\$146,151	66%
12	\$150,535	66%
13	\$155,051	66%
14	\$159,703	65%
15	\$164,494	65%

16	\$169,429	65%
17	\$174,512	64%
18	\$261,768	47%
19	\$269,621	47%
20	\$277,709	46%
21	\$286,041	46%
22	\$294,622	45%
23	\$303,461	45%
24	\$312,564	44%
25	\$321,941	44%
26	\$482,912	17%
27	\$497,399	16%
28	\$512,321	15%
29	\$527,691	14%
30	\$543,522	14%
31	\$559,827	13%
32	\$576,622	12%

*Illustrative percentages – actual may vary.

In addition, the Payment in Lieu of Tax Agreement shall require the Company to comply with the following provisions:

(i) The Company shall make annual Pilot Payments in the amounts set forth in the table above, measured from the First Taxable Status Date. The First Taxable Status Date shall be the taxable status date following the date that a permanent certificate of occupancy is issued by the City of Newburgh.

(ii) Annual Pilot Payments shall cover all local and municipal taxes owed in connection with the Project and the Project Facility and such payment shall be shared by taxing jurisdictions on the same basis as property taxes would be shared if the Project and the Project Facility were fully taxed.

(iii) The Company shall (a) enter into a regulatory agreement with the New York State Division of Housing and Community Renewal (the "Regulatory Agreement") incorporating the affordability requirements set forth in Exhibit B attached to this Resolution, (b) record the Regulatory Agreement against the Project Facility, and (c) comply with the terms set forth in the Regulatory Agreement throughout the term of the Payment in Lieu of Tax Agreement.

(iv) For so long as the Payment in Lieu of Tax Agreement shall remain in effect, annual Pilot Payments set forth in this section shall not be reduced for any reason.

Section 7. The Chair (or Vice Chair) 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 Chair, the Vice Chair, 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 Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) to constitute conclusive evidence of such approval.

(B) The Chair (or Vice Chair) 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:

Michael Neppl	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 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 April 21, 2025 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 _____ 2025.

Secretary

(SEAL)

EXHIBIT A

DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS

In the discussions had between the Project Beneficiary (Liberty Street Apartments 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	☐ Yes	☒ No	Zero (0) full time equivalent existing jobs at the Project Facility (vacant or abandoned land).
2.	Creation of new permanent jobs	☒ Yes	☐ No	Two (2) full time or part time private sector jobs at the residential units of the Project Facility, plus twelve (12) full time or part time private sector jobs at the commercial units of 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	☒ Yes	☐ No	Approximately \$7,173,372 in real estate 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)	☒ Yes	☐ No	Average of one hundred forty-eight (148) direct and ten (10) indirect full time equivalent construction jobs at the Project Facility for local labor during an estimated construction period of eighteen (18) months, commencing within ten (10) 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	X Yes	☐ No	\$74,273,933.00 invested (or expense uncured) at the Project Facility within forty-eight (48) months of the date of the Approving Resolution for the Project.
6.	Creation of new revenues for local taxing jurisdictions	X Yes	☐ No	\$9,042,690 of new revenues for local taxing jurisdictions and special districts with respect to the Project Facility over the life of the Project.
7.	Attract customers from outside the Economic Development Region	☐ Yes	X No	Project is a combined commercial/residential project; some commercial units may attract customers from outside the City of Newburgh but it is not a primary goal of the Project.
8.	Adaptive reuse of an existing deteriorating structure.	☐ Yes	X No	Project is new construction on vacant land.
9.	Regional wealth creation (majority of sales/customers from outside of the City)	☐ Yes	X No	The Project will serve the residents of the City of Newburgh.
10.	Alignment with local planning and development efforts	X Yes	☐ No	The City Planning Department has approved the Project.
11.	Promotes walkable community areas	X Yes	☐ No	Project will create daily/multiple day employees in the City of Newburgh, which will promote local use of restaurants, entertainment and other amenities.
12.	Elimination or reduction in blight	X Yes	☐ No	Current land is vacant and underutilized.
13.	Historic building designation	☐ Yes	X No	Not applicable.
14.	Brownfield remediation	☐ Yes	X No	Project is not located on a 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 twenty-four (24) 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 eighteen (18) 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 Exhibit A .
4.	Failure by the Project Beneficiary to document to the satisfaction of the Agency the creation of at least 80% of the full time equivalent new jobs at the Project Facility listed on Exhibit A .
5.	Failure by the Project Beneficiary to document to the satisfaction of the Agency that at least 80% of the private sector investment described on Exhibit A occurred with respect to the Project Facility within twelve (12) months of the date of the Approving Resolution for the Project.
6.	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 Exhibit A .
7.	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.
8.	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.
9.	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.
10.	Failure by the Project Beneficiary to comply with the annual reporting requirements or to provide the Agency with requested information.
11.	Failure by the Project Beneficiary to comply with any of the terms and provisions of the closing documents for the financial assistance approved by the Agency.
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 Exhibit A 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) for the majority of the commercial portion of the Project Facility, within eighteen (18) months of the date of completion of the Project by the Project Beneficiary.
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 as required by the Agency Local Labor Policy.
16.	Failure by the Project Beneficiary to document to the satisfaction of the Agency that the Project (except for the designated commercial/retail portion of the Project and the eighteen (18) designated market rate units) continues to be used as housing facilities for the purpose of providing residential rental and supportive housing accommodations at rate(s) restricted to, on average, 80 percent of Area Median Income, and (b) that the Project Beneficiary (or a successor by reason of foreclosure) continues to own and operate the Project in accordance with applicable law, rule or regulation.
17.	Failure by the Project Beneficiary to keep in full force and effect a Regulatory Agreement recorded against the Project Facility with the following affordability requirements: a) eight (8) units shall have rents affordable to households earning at or below 30% of the Area Median Income ("AMI"); b) forty-seven (47) units shall have rents affordable to households earning at or below 50% of the AMI; c) fifty (50) units shall have rents affordable to households earning at or below 60% of the AMI; d) eleven (11) units shall have rents affordable to households earning at or below 70% of the AMI; and e) eleven (11) units shall have rents affordable to households earning no more than 80% of the AMI. For purposes of this section: i) "Area Median Income or AMI" is Area Median Gross Income as determined by the U.S. Department of Housing and Urban Development for Orange County; and ii) "Affordable" means gross rents, excluding Section 8 payments, utility allowance, and other amounts excluded under Low Income Housing Tax Credit ("LIHTC") Regulations, not to exceed thirty percent (30%) of the specified Area Median Income, adjusted for unit size in the manner provided in the LIHTC Regulations.