



INDUSTRIAL DEVELOPMENT AGENCY

83 Broadway, Newburgh, NY 12550

(845) 569-7369 idadirector@cityofnewburgh-ny.gov

BOARD MEETING

6:30 p.m., Monday, June 30, 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 May 2025
Approval of payment of bills for May 2025
5. Chairperson's Report
6. Counsel's Report
7. Executive Director's Report
8. New Business

Resolution # 2025-06-30-01 SEQRA Resolution – Shaw Building L. P.

Resolution # 2025-06-30-02 Commercial/Retail Findings -Shaw Building L.P.

Resolution # 2025-06-30-03 Deviation Approval Resolution – Shaw Building L.P.

Resolution # 2025-06-30-04 Approving Resolution – Shaw Building L.P.


Resolution #2025-06-30-05 Nunc Pro Tunc CD Renewal

Resolution #2025-06-30-06 UTEP Public Hearing

Resolution #2025-06-30-07 Expiration of Approving Resolution and
Withdrawal of Financial Assistance for the 191 Washington Street LLC
Project

9. Old Business

10. Adjournment

NEWBURGH
IDA 
INDUSTRIAL DEVELOPMENT AGENCY
BOARD OF DIRECTORS MEETING
Minutes of May 19, 2025

The Board of Directors of the Newburgh IDA met on Monday, May 19 at 6:32 pm at 401 Washington Street, Newburgh, NY 12550.

Present:

Board Members: Michael Neppl, Chair
Vickiana DeMora, Treasurer
Alexandra Church, Vice Chair
Sharonda Powell, Secretary

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

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

Guests: William DeRosa, Barton & Loguidice
Tracy Verrier, MRB Group
Erick Cooney, Scobie Industrial Partners LLC

1. **Roll Call:** Michael Neppl, Chair called the meeting to order at 6:32 pm. A quorum was declared to be met.
2. **Proof of Meeting Notice:** Michael Neppl, Chair observed that the Notice of the meeting was properly sent and accepted.
3. **Reading and Approval of April 21, 2025, Meeting Minutes:**
Meeting Minutes from the board meeting of April 21, 2025, were distributed to the board via e-mail.

Motion to approve April 21, 2025, meeting minutes as presented:

Ms. Church: Motion to approve the minutes

May 19, 2025, Board Meeting Minutes

Ms. DeMora: Motion seconded

VOTE: Unanimously passed

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

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

Motion to approve April 2025 Treasurer's Report

Ms. Church: Motion to approve

Ms. DeMora: Motion seconded

VOTE: Unanimously passed

Motion to approve April 2025 Bill Payments

Ms. Church: Motion to approve (Checks 1342, 1343, 1344, 1345, 1346, 1347)

Ms. DeMora: Motion seconded

VOTE: Unanimously passed

5. **Chairman's Report:**

Mr. Nepl noted that items for the Board will be discussed later in the agenda, namely the engineering report of the Armory building and the UTEP draft.

6. **Counsel's Report:**

Mr. Craft updated the Board on the following:

- The third amendment to the cell tower lease agreement has been finalized and executed. Per the amendment, the Agency has received a one-time payment of \$20,000. The amendment includes an early termination option after 10 years at the Agency's sole discretion. For the 104 Washington St project, which was approved for financial assistance at the April board meeting. Counsel initially anticipated closing in June, however the applicant's attorney has indicated that the closing will be postponed until after June. For Liberty Street Apartments project, which was also approved for financial assistance at the April board meeting, the closing is contingent upon the applicant acquiring title to the property, which is currently uncertain.

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

Ms. Vickers did not have anything to share with the board expect the potential June board meeting to be discussed during New Business.

8. **New Business:**

Resolution # 2025-05-19-01 Scobie Industrial Partners LLC – Authorize Agency to Execute A Fifth Amendment to the Existing Contract of Sale – Sale of 5 Scobie Drive, Newburgh, NY

Mr. Craft summarized that the Agency entered into a Contract of Sale for the Property (the “Agreement”) on or about July 30, 2022 with Scobie Industrial Partners LLC (the “Purchaser”). As part of the Agreement, the Purchaser had to pursue and obtain approvals from the DEC pursuant to a Brownfield Cleanup Agreement and to obtain any other permits that the Purchaser may require to construct and operate a commercial warehouse and light manufacturing industrial facility. Due to additional requirements imposed by DEC under the Brownfield Cleanup Agreement, the Purchaser and Agency have previously executed four (4) amendments to the Agreement to provide the Purchaser additional time to satisfy DEC’s requirements. . The Agency has been requested to entered into a fifth Amendment to the Agreement in substantially the form which was presented to the Board of the Agency at this meeting and would extend the Due Diligence Period, as defined in the Contract of Sale, to December 31, 2025. The extension will allow the Purchaser additional time to obtain SEQRA approval from the City of Newburgh Planning Board.

Ms. Church: Motion to approve

Ms. DeMora: Motion seconded

A roll call was taken for the vote.

Mr. Neppl: Yes

Ms. Church: Yes

Ms. DeMora: Yes

Ms. Powell: Yes

VOTE: Unanimously passed

Resolution # 2025-05-19-02 Award of Video Recording Services

The Agency’s Procurement Policy authorizes the Executive Director to receive written/fax quotations from at least three vendors for public works or services under \$20,000; and the Agency solicited written quotes from qualified firms to provide professional video recording and livestreaming services for Agency meetings; and the Agency received three written quotes from vendors because of the Agency requirement under the Act to livestream all open meetings, the Agency is required to enter into a contract with a vendor as of the date of this Resolution.

Ms. Church: Motion to approve

Ms. DeMora: Motion seconded

A roll call was taken for the vote.

Mr. Neppl: Yes

Ms. Church: Yes

Ms. DeMora: Yes

Ms. Powell: Yes

VOTE: Unanimously passed

Engineering Update – The Armory

Will DeRosa, from Barton and Loguidice (B&L), performed a visual structural inspection of The Armory building pursuant to the contract entered into with the Agency after their selection pursuant to an RFP. B&L assessed visible components of the Armory, including exterior masonry, roofing, subflooring, and wall systems. No testing was conducted. The assessment relied on accessible and exposed structural elements.

Mr. DeRosa's recommendation was to continue monitoring a structural gap that was found. There was no immediate safety threat identified, but ongoing movement could worsen the situation. Also to address the gap in the South wall to prevent further water intrusion, the damaged mortar should be sealed and the missing or heavily deteriorated brick sections should be replaced; there should be an investigation to potentially replace the leaking water supply line; and the internal piping should be evaluated to determine the exact cause of the leak. Mr. DeRosa also recommended considering selective stabilization rather than full-scale remediation, targeting key problem areas to avoid worsening future damage. No additional structural removals are currently needed and all areas accessible during the inspection were included in the assessment. All estimates in the draft report are preliminary. Combining repairs (e.g., phases 1 and 2) may lead to cost savings, especially in terms of equipment rentals. The final cost will depend on contractor experience, local labor rates, and material availability.

Mr. Neppl asked if all the areas in the building were accessed. Mr. DeRosa responded that all accessible areas were inspected, and any areas not accessed were due to lack of entry or obstructions. Ms. Church asked if the building is safe for continued occupancy. Mr. DeRosa responded, based on current conditions, no imminent safety hazards were found. Mr. Neppl asked if the report covers all necessary long-term concerns. Mr. DeRosa said the report addresses stabilization and prevention of future damage, not cosmetic issues or full rehabilitation. Mr. DeRosa also noted this is a draft report and additional comments or concerns from the board are welcome and should be submitted prior to finalization.

UTEP Draft Discussion

Ms. Verrier of MRB gave the report to the Board. She opened with a review of the structure of the standard PILOT (Payment in Lieu of Taxes) schedule that was discussed at the Agency retreat. Projects are allowed for up to three years of construction, during which

they pay full taxes on the original property assessment. Once the project is complete, the PILOT schedule begins with 100% abatement on the added value in the first year and reduces by 10% each subsequent year over a 10-year period. The original pre-development assessment remains fully taxable. Projects located in priority sectors are eligible for an enhanced PILOT schedule which included an extended to 15 years (excluding the construction phase), greater up-front abatements to help offset added costs, such as those associated with adaptive reuse or historic rehabilitation. These priority sectors currently include housing, food-related businesses, tourism destinations and lodging establishments.

Per Mr. Nepl's request, Ms. Verrier provided a brief overview of her background with over 10 years of experience in economic development, previously working with community foundations and local governments and providing advisory support to multiple municipalities and development authorities. Mr. Nepl noted that since the PILOT schedule was adopted in 2020, only one project has utilized it without seeking a deviation which raised concerns over whether the policy was originally ineffective or became more useful over time. This policy revision was timely and appreciated that the update seemed better aligned with current City goals. Mr. Nepl discussed previous IDA projects, particularly regarding the limited public visibility and feedback and highlighted the need for City Council oversight to ensure alignment with community values and to increase transparency and public input. Emphasis was placed on City Council's authority to approve housing projects and the potential to elevate all PILOT decisions through Council approval for more robust governance.

Ms. Church suggested if a project creates a significant number of permanent, well-paying jobs (e.g., 25–30), it should qualify as a priority sector by default—even if not in a listed sector, emphasizing that such job creation has a positive economic and social impact. Ms. Church also recommended adding section and paragraph numbering to the policy document and suggested a structure like “Section 1 – Paragraph A, B, C” for ease of reference and clarity and this would make it easier for board and public review, especially when dealing with legal or complex text. Mr. Nepl acknowledged the importance of aligning incentives with actual public benefit and community values and pointed out that this revised UTEP draft is a strong foundation and expressed gratitude to Ms. Verrier for her guidance in producing this draft.

9. **Old Business:**

Agency Banking

Ms. Vickers let the board know that in September 2023, the Agency voted to make the funds received from the Armory settlement income producing. A CD account was opened initially with Lakeland Bank, which later transitioned to Provident Bank. The account matured in July 2024 and again in April 2025. Ms. Vickers informed the board that the CD could be renewed by email with no penalty from the bank, noting that two

signatures would be required to withdraw the funds. Ms. Vickers presented current interest rates, which had been emailed to the board and included in their meeting packets. The rates were not expected to change significantly between that night and the next day. Given the upcoming summer break, Ms. Vickers sought direction from the board on the CD's term. Ms. Church asked if funds from the account ending in 2847 could be used for emergency expenses. Ms. Vickers confirmed those funds were accessible and funds from the money market account as well. Ms. Church suggested a six-month term may make more sense. Mr. Nepl suggested renewing the CD for 3 months since the interest rate was better. Mr. Nepl asked Ms. Vickers to explain the bank selection process. Ms. Vickers said the Audit/Finance Committee and herself researched local banks. Many banks were unable to accommodate a quasi-governmental agency. Lakeland Bank had the best rates and met agency needs. The move also allowed diversification from TD Bank. Ms. Vickers stated that once the CD is renewed, the board would approve the decision at the June board meeting by resolution. A follow-up resolution may be needed in summer for a 3-month CD.

The June board meeting will be held on Monday June 30, 2025.

10. **Adjournment**

A motion to adjourn was made by Ms. Church and seconded by Ms. DeMora. Unanimously passed at 7:32 pm.

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
TREASURER'S REPORT JUNE 30, 2025 MEETING
MAY**

OPERATING Account #2847

Opening Balance As of May 1, 2025 **\$313,187.40**
from bank statement

Deposits

<u>Payor</u>	<u>Amount</u>	<u>Remarks</u>
5/1/2025 AT&T	3,996.71	
5/2/2025 T-Mobile	5,416.49	
5/2/2025 Central Hudson	2,285.51	
5/29/2025 Dish Network	1,500.00	
5/30/2025 Interest Paid	890.27	Interest Rate 3.30%

TOTAL DEPOSITS 2847 **\$14,088.98**

Disbursements

<u>Payee</u>	<u>Amount</u>	<u>Remarks</u>
Check #1348 5/1/2025 Whiteman Osterman & Hanna LLP	5,061.10	Invoice 769663, 769668, 769671, 76972
Check #1349 5/1/2025 Cherisse Vickers	37.60	Reimburse expenses
Check #1350 - VOID	-	-
Check #1351 5/6/2025 MRB Group	7,088.72	Invoice 67239, 67240
Check #1352 5/13/2025 Barton & Loguidice, D.P.C.	3,720.00	Invoice 66867, 66868, 66869
Check #1353 5/19/2025 Cherisse Vickers	21.61	Reimburse expenses
Check #1354 5/27/2025 EC Media Group, LLC	1,842.50	Invoice 049878
Check #1355 5/27/2025 Whiteman Osterman & Hanna LLP	8,052.43	Invoice 780909, 780914, 780917, 780918

TOTAL CHECKS & DISBURSEMENTS 2847 **\$25,823.96**

Closing Balance As of May 31, 2025 **\$301,452.42 Op Acct #2847**

PAYROLL Acct #8243

Opening Balance	As of May 1, 2025	\$115,937.42
Debit	5/5/2025 Payroll Fees April 2025	65.96
Debit	5/14/2025 Net Pay (part of gross wages)	3,827.03 04/28/25-05/11/25
Debit	5/14/2025 Employer Payroll Tax + Employee WH (part of gross wages)	1,379.87 04/28/25-05/11/25
Debit	5/28/2025 Net Pay (part of gross wages)	3,827.06 05/12/25-05/25/25
Debit	5/28/2025 Employer Payroll Tax + Employee WH (part of gross wages)	1,345.76 05/12/25-05/25/25
	Total Monthly Payroll Expense	\$10,445.68
Credit	5/30/2025 Interest Paid	309.67 Interest Rate 3.30%
Closing Balance	As of May 31, 2025	\$105,801.41 Payroll Acct #8243

APPLICATIONS FUND Account #2855

Opening Balance	As of May 1, 2025	\$14,151.44
Closing Balance	As of May 31, 2025	\$14,151.44 App Fund Acct #2855

LESSOR/TENANT Account #2863

Opening Balance	As of May 1, 2025	\$2,543.79
Interest Income	5/30/2025 Interest Paid	\$7.02 Interest Rate 3.30%
Closing Balance	As of May 31, 2025	\$2,550.81 Lessor Acct #2863

LABOR MONITORING Account #7072

Opening Balance	As of May 1, 2025	\$15,014.79
Closing Balance	As of May 31, 2025	\$15,014.79 Labor Monitor Acct #7072

MONEY MARKET Account #2871

Opening Balance	As of May 1, 2025	\$1,297,884.47
Interest Income	5/31/2025 Interest Paid	3,582.52 Interest Rate 3.30%
Closing Balance	As of May 31, 2025	\$1,301,466.99 MM Acct #2871

NEWBURGH SOUTH LOGISTICS CENTER Account #6521

Opening Balance As of May 1, 2025 **\$54.94**

Deposits

Interest Income 5/12/2025 Brookfield Properties 5,250.00 Deposit for W.O.H Invoice 769662
5/30/2025 Interest Paid 6.60 Interest Rate 3.30%

TOTAL DEPOSITS 6521 **\$5,256.60**

Disbursements

Check #1016 5/12/2025 Brookfield Properties 5,250.00 Invoice 769662

TOTAL CHECKS & DISBURSEMENTS 6521 **\$5,250.00**

Closing Balance As of May 31, 2025 **\$61.54 NSLC Acct #6521**

LABOR MONITORING IV5 Account #5325

Opening Balance As of May 1, 2025 **\$75,870.00**

Closing Balance As of May 31, 2025 **\$75,870.00 Labor Monitor IV5 Acct #5325**

PROVIDENT BANK Account #4346

Opening Balance As of May 1, 2025 **\$0.00**

Closing Balance As of May 31, 2025 **\$0.00 PROVIDENT BANK Acct #4346**

PROVIDENT BANK Account #5683

Opening Balance As of May 1, 2025 **\$4,364,473.76**

Closing Balance As of May 31, 2025 **\$4,364,473.76 PROVIDENT BANK Acct #5683**

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2025-06-30-01

RESOLUTION DETERMINING THAT THE ACTION TO UNDERTAKE A PROJECT FOR THE BENEFIT OF SHAW BUILDING L.P., 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 June 30, 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
Acting Secretary

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 SHAW BUILDING L.P., 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 23, 2024, Shaw Building L.P., a New York limited partnership (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 was revised by the Company on November 11, 2024 and on June 23, 2025 (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 26,979 square feet and the construction and improvement of a new mezzanine residential building on the Land totaling approximately 36,613 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; 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 No. 2025-01-22-02, adopted by the members of the Agency on January 22, 2025 (the “Public Hearing Resolution”), the Agency authorized a public hearing (the “Original 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 fifteen (15) years for the entire parcel of the Project Facility, including the existing land and new improvements; and

WHEREAS, the Pilot Request of fifteen (15) 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 Original 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 23, 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 Original Public Hearing to be posted on January 23, 2025 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 Original Public Hearing to be published on February 2, 2025 and February 6, 2025 in the Times Herald Record and Mid Hudson Times, respectively, newspapers of general circulation available to the residents of the City of Newburgh, Orange County, New York, (D) caused notice of the Original Public Hearing to be posted on January 28, 2025 on the Agency’s website, (E) and pursuant to all notices, the Original Public Hearing was scheduled for February 26, 2025 but was adjourned to a later scheduled date and time (the “Adjourned Public Hearing” together with the Original Public Hearing, hereinafter, collectively referred to as the “Public Hearing”); and

WHEREAS, after the adjournment of the Original Public Hearing, the Chair and the Executive Director of the Agency (A) caused notice of the Adjourned Public Hearing to be

mailed on March 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 Adjourned Public Hearing to be posted on March 6, 2025 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 Adjourned Public Hearing to be published on March 6, 2025 in the Mid Hudson Times, a newspaper of general circulation available to the residents of the City of Newburgh, Orange County, New York, and (D) caused notice of the Adjourned Public Hearing to be posted on March 14, 2025 to the Agency's social media accounts on Instagram and Facebook, (E) and pursuant to all notices, conducted the Adjourned Public Hearing on March 17, 2025, at 6:30 o'clock p.m., local time at offices of the Newburgh Activity Center, 401 Washington Street, Newburgh, New York, and (F) caused to be prepared a report of the Adjourned Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Adjourned 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, the Company submitted an amendment to the Application on June 23, 2025 amending the estimated percentage of the costs of the Project that will go towards facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities from forty percent (40%) to seventeen percent (17%); and

WHEREAS, the MRB Group confirmed by email to the Agency Executive Director on June 24, 2025, that the Company's amendments to the Application on June 23, 2025 do not impact the findings in the published Cost Benefit Analysis dated January 9, 2025 and the published Test of Reasonableness dated January 9, 2025 prepared by the MRB Group at the request of the Agency and which was discussed with the public at the Adjourned Public Hearing; 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 1 Action" with respect to the Project on June 18, 2024, (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 July 16, 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 December 17, 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 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.

EXHIBIT A

Negative Declaration

[See attached]

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, 2024, the City of Newburgh Planning Board hereby moves to approve the following Site Plan, wherein the Applicant proposes to convert the existing warehouse building into a mixed-use apartment (20 dwelling units, retail, food service, and gym space) (Mixed Use with Residential), and construct an apartment house with 34 dwelling units (Apartment House), all on the tax parcel known as 24 Johnes Street ("Premises").

Index No.	2024-14
Applicant's Name	Jake Chai, et al.
Property Owner	Shaw Building, LP
Property Address	24 Johnes Street (SBL 40-6-11)

LET IT BE FURTHER RESOLVED

That the above-referenced application includes a Land Development Application (form LDA01) received June 7, 2024 (8 pages), and is supported with the following documents:

1. Land Development Application - Site Plan (form PB01), received June 7, 2024 (4 pages);
2. Site Plan, received June 7, 2024 (12 pages); updated August 9, 2024 (14 pages), October 4, 2024 (14 pages), November 8, 2024 (15 pages), and November 26, 2024 (15 pages);
3. Architectural Elevation Drawings, received June 7, 2024 (4 pages);
4. Lighting Plan, received November 8, 2024 (1 page);
5. New York State Department of State, Coastal Management Program, Coastal Assessment Form, received June 7, 2024 (3 pages, with supplemental 1 page letter from applicant dated April 17, 2024);
6. Full EAF Part I, received June 7, 2024 (15 pages), updated August 9, 2024 (15 pages), October 4, 2024 (15 pages);
7. Survey, received June 7, 2024 (1 page); updated October 4, 2024 (1 page), November 8, 2024 (1 page);
8. Phase I Environmental Site Assessment, received October 4, 2024 (1,175 pages);

9. Phase II Environmental Site Assessment, received April 25, 2024 (117 pages);
10. E-mail from PVE, received November 8, 2024 (1 page);
11. Stormwater Management Report, received November 8, 2024 (58 pages); updated November 26, 2024 (56 pages);
12. Applicant Response Letter (to Planning Department), received August 9, 2024 (4 pages); updated October 4, 2024 (4 pages);
13. Applicant Response Letter (to Engineering Department), received August 9, 2024 (10 pages); updated October 4, 2024 (18 pages), November 8, 2024 (26 pages), and November 26, 2024 (26 pages);
14. Applicant Response Letter (to DEC), received August 9, 2024 (1 page);
15. Comment Letter of the NYS Department of Homes and Community Renewal (“HCR”), dated July 3, 2024 (1 page);
16. Comment Letter of the Orange County Department of Planning (Lead Agency Response), received July 29, 2024 (1 page);
17. Comment Letter of the Orange County Department of Planning (GML §239 Response), received July 29, 2024 (4 pages);
18. Comment Letter of the NYS Department of Environmental Conservation (“DEC”) (by e-mail), received August 9, 2024 (2 pages);
19. Comment Letter of the NYS Department of Parks, Recreation and Historic Preservation (“SHPO”), dated December 12, 2024 (2 pages);
20. Comment Letter of the Conservation Advisory Council, received July 9, 2024 (1 page);
21. Informational Inspection Report of the Building Inspector, dated April 10, 2024 (3 pages); updated June 24, 2024 (3 pages), September 4, 2024 (3 pages), and October 30, 2024 (3 pages);
22. Comments of the City Planner, dated June 18, 2024 (4 pages); updated August 28, 2024 (5 pages), October 15, 2024 (6 pages), and December 17, 2024 (7 pages); and
23. Comments of the City Engineer, dated June 18, 2024 (8 pages); updated July 16, 2024 (10 pages), August 28, 2024 (16 pages), October 15, 2024 (23 pages), November 19, 2024 (26 pages), and December 17, 2024 (27 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 convert the existing warehouse building into a mixed-use apartment (20 dwelling units, retail, food service, and gym space) (Mixed Use with Residential), and construct an apartment house with 34 dwelling units (Apartment House) and a 16-space parking lot. 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 January 18, 2024. The Planning Board deemed the application substantially complete on December 17, 2024.
6. The Planning Board, pursuant to City Code Section 300-90, held a public hearing at its regular meeting on July 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 June 18, 2024. The Planning Board declared itself as the Lead Agency for the environmental review of the Project pursuant to 6 NYCRR 617.6 on July 16, 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 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 October 30, 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. 2024-14)

Moved by: Duane 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: 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: 24-42 Johnes St. /23-33 Edward St. Site Development		
Project Location (describe, and attach a general location map): 24-42 Johnes St. /23-33 Edward St. Newburgh, NY 12550		
Brief Description of Proposed Action (include purpose or need): Conversion of an existing two-story warehouse into a mixed-use residential building with twenty (20) apartments, accessory common spaces, and retail space. The retail unit is 1,265 sf. and is likely to be a food service establishment, 4,853 sf for commercial gym and artisan studios/retail shops. In addition, on the same lot, a new four-story, with mezzanine, apartment building with thirty-four (34) units is proposed for Edwards Street. A private parking lot for residents with sixteen (18) spaces will be planned for the south end of the lot on Johnes Street.		
Name of Applicant/Sponsor: Jake Chai / Shaw Building, L.P.		Telephone: 646-492-2984 E-Mail: jake@manatrellc.com
Address: 234 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550
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):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

PB2024-14/
Rec'd 10/4/24/
for PB mtg.10/15/24

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Site Plan Review	June 2024
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Zoning Board of Appeals - Area Variance (if determined to be necessary)	June 2024
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Orange County DOH, Orange County Planning Board	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOS, NYS SHPO, NYSHCR	June 2024
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

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

b. Is the use permitted or allowed by a special or conditional use permit? **Permitted with 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 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, Water Street Park, 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? _____ 0.92 acres
 b. Total acreage to be physically disturbed? _____ 0.70 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.92 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)? % 80% reduction commercial Units: +54 Residential 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: _____ 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	_____	_____	_____	55
At completion of all phases	_____	_____	_____	55

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

i. Total number of structures 2
 ii. Dimensions (in feet) of largest proposed structure: 50 height; 60 width; and 142 length
 iii. Approximate extent of building space to be heated or cooled: 9,250 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: _____ 9,500 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: +/-9,500 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

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

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

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 _____ 25 _____ Proposed _____ 18 _____ Net increase/decrease _____ -7

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: _____
+/- 79,000 kwh per year for commercial/retail spaces

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.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 9:00 am - 5:00 pm _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours _____ • Saturday: _____ 24 hours _____ • Sunday: _____ 24 hours _____ • Holidays: _____ 24 hours _____
--	---

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:
 9:00 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: trees on the Edwards Street side of the property will be removed and replaced with street trees

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:
 Dark sky compliant parking lot lighting. Exterior lighting on all buildings for safety. Existing street lighting

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: _____ 4 tons per _____ year (unit of time)
- Operation : _____ 55 tons per _____ year (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____ All materials to be removed from site and recycled to the greatest extent possible.
- Operation: _____ local recycle program

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____ Hauled off-site by general contractor to certified landfill or recycler.
- Operation: _____ local trash hauler

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.7	0.7	0.0
• Forested	0.1	0.0	-0.1
• 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: Lawn _____	0.1	0.2	+0.1

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): 336036, B00188, 336042, 336055, 546031
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 Colden 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, 26 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: mardin gravelly silt loam _____ 100 %
 _____ %
 _____ %

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

m. Identify the predominant wildlife species that occupy or use the project site:		
Squirrels _____	Common Snake species _____	Rabbits _____
Deer _____	Common frogs and toads _____	Common salamander species _____
Various Bird Species _____	Chipmunks _____	Foxes _____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes:		
i. Species and listing (endangered or threatened): _____		
Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon		
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Species and listing: _____		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes, provide county plus district name/number: _____		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: Washington's Headquarters, East End Historic District

iii. Brief description of attributes on which listing is based:
Washington's Headquarters - headquarters of George Washington during the American Revolutionary War, East End Historic District - city historic zone

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: Hudson River, Washington's Headquarters State Historic Site

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): scenic Hudson River and a state historic site

iii. Distance between project and resource: 0.25 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.

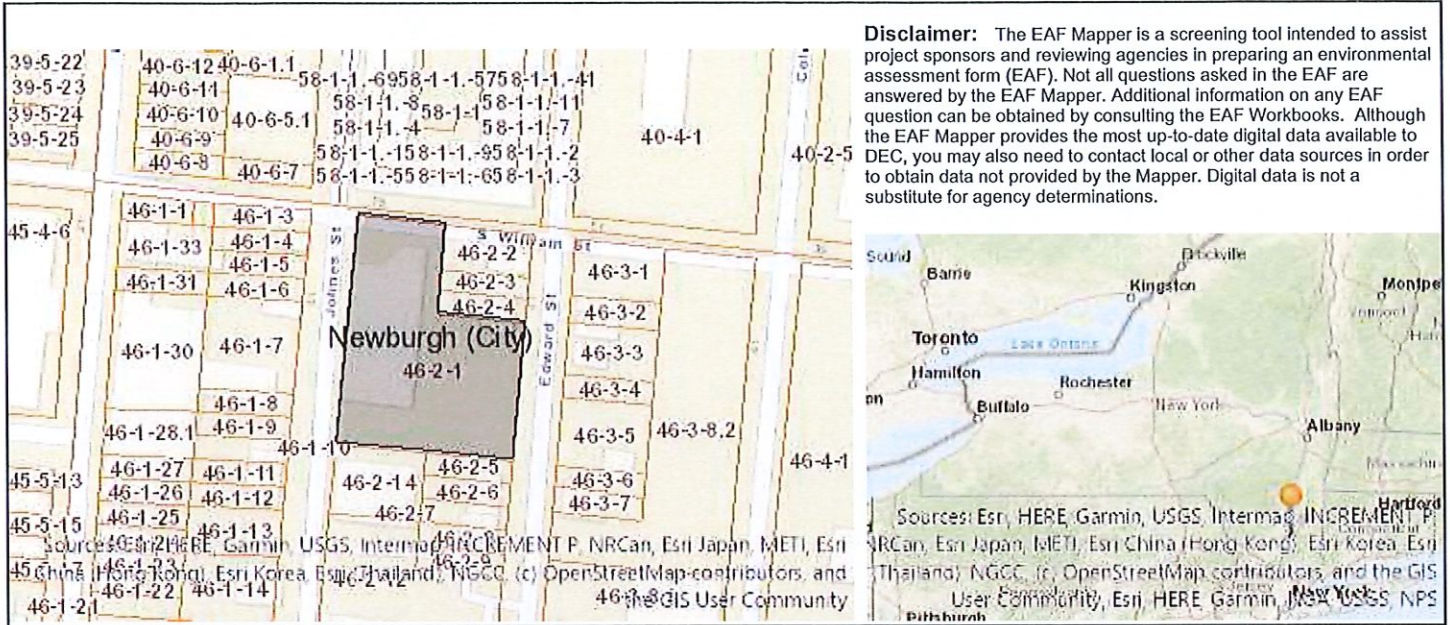
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Christopher E. Berg Date 10/04/2024

Signature  Title Architect



B.i.i [Coastal or Waterfront Area]	Yes
B.i.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]	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]	No
E.2.n. [Natural Communities]	No
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

Project Number: PB No.: 2024-14
Property Address: 24 Johnes Street
Date of Action: December 17, 2024
Supplement to SEQRA Full EAF, Section III

Shaw Building, L.P. (the "Owner"), by and through Jake Chai, et al. (the "Applicant") proposes to convert the existing warehouse building into a mixed-use apartment (20 dwelling units, retail, food service, and gym space) (Mixed Use with Residential), and construct an apartment house with 34 dwelling units (Apartment House) and a 16-space parking lot (the "Project"). The Project is to include 54 residential units, approximately 3 street-level commercial spaces, and a parking lot for 16 spaces. The Project site is approximately 249 x 100 square feet. 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 and a Certificate of Appropriateness from the City of Newburgh Architectural Review Commission.

Findings

In accordance with the regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), Part 1 of the Full Environmental Assessment Form, received June 7, 2024 and amended from time to time until its final form was received on October 4, 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 July 16, 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 Phase I and Phase II environmental reports, and a Stormwater Management Report (SMR), all of which have been reviewed and determined acceptable by the City Engineer. The SMR 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 SMR 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 SMR 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 SMR, the installation, implementation and maintenance of permanent stormwater management practices must meet or exceed the standards in the Design Manual as described in the SMR so that discharge comply with the State's water quality and quantity 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.

2. Impacts on Water Resources and Wetlands

The NYSDEC provided e-mail correspondence dated June 28, 2024 which indicated that based on the location, the Project is not expected to impact state rare or threatened species. 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 municipal sewer mains. 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 proposes a new full-movement vehicular driveway onto which will provide access to 16 off-street parking spaces. The development requires 54 spaces per the City of Newburgh Zoning Code and thus will require a parking variance of 38 spaces.

The Applicant's Traffic Engineer, Passero Engineering/Architecture, prepared a Traffic Impact and Parking Study, dated June 6, 2024. The Project is currently pending review by the City's Zoning Board of Appeals to evaluate the parking impacts on the surrounding area.

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, Edward 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. All proposed exterior lighting is to be downward facing to minimize sky glow and light pollution. 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

As stated above, the NYSDEC provided e-mail correspondence dated June 28, 2024 which indicated that based on the location, the Project is not expected to impact state rare or threatened 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 December 12, 2024, wherein its comments were limited to the design and aesthetic of the proposed new building. SHPO offered no comments on historic or archeological impacts, and as such, it appears that no impacts on historical or archeological resources are anticipated.

9. Impacts on Aesthetic Resources

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. The ARC's ruling will act to mitigate 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. 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 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.

12. 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 site is nearby the Washington Headquarters State Historic Site; a historic factory condominium complex containing 120 units; a small series of 3 story residential and mixed use buildings with store front retail and residential apartments above, two small commercial garages; and a series of 2 and 3 story residential and mixed use buildings with store front retail and residential units above. Given the above, there will be no significant adverse impacts on the existing community character.

Project Number: PB 2020-09 (updated)
Property Address: 104 Washington Street
Date of Action: December 17, 2024
Supplement to SEQRA Full EAF, Section III

The property owner, 104 Washington St. LLC, proposes to demolish an existing, dilapidated structure on the premises and construct a new, mixed-use property with first and second floor commercial space, and 14 residential units on the remaining floors above.

The entire parcel size is 50' x 100'. The proposed use and proposed building area does not encroach on any environmentally-sensitive areas within the City's limits. The project will not disturb any plant or animal species. The project will require energy and other resources to attain compliance with State and Local building code regulations. However, this usage will be short term in nature and in line with construction projects of this type.

The project does not plan for any on-site parking, as the project's intent is to maximize usable building space and other forms of non-motorized transportation in and around the neighborhood. The project also proposes to rehabilitate the sidewalks in front of the building to further promote pedestrian traffic. There are/will be sufficient and adequate parking options available in the neighborhood and the proposed use will not adversely affect traffic or parking in the district. Off-street parking issues were reviewed and approved by the City of Newburgh Zoning Board of Appeals ("ZBA") during the original approval process and are currently being re-evaluated by the ZBA for the updated application.

Exterior lighting, massing, and historical design issues were reviewed and approved by the City of Newburgh Architectural Review Commission ("ARC") during the original approval process and are currently being re-evaluated by the ARC for the updated application..

The proposed plan includes details for bioswales, plantings, erosion and sediment control, water, and sanitary sewer, all in a manner and form acceptable to the Planning Board and the City Engineer.

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

In sum, the Planning Board determined that there would be no significant long term impact on energy use, water, or sewer supply and/or systems based on the size and scope of the project.

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

Agency Use Only [If applicable]
 Project : 2024-14
 Date : December 17, 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>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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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>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

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

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

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

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 1.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	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project : 2024-14

Date : December 17, 2024

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:

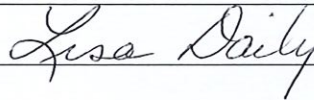
There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

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.: 2024-14

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: December 17, 2024

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>

PRINT FULL FORM

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2025-06-30-05

**RESOLUTION AUTHORIZING
RENEWAL OF CERTIFICATE OF DEPOSIT
WITH PROVIDENT BANK, NUNC PRO TUNC**

A regular meeting of 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 June 30, 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	Chair
Alexandra Church	Vice Chair
Vickiana DeMora	Treasurer
Sharonda Powell	Acting Secretary

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Adriana Huaynalaya	Financial Administrator
Robert J. McLaughlin, Esq.	Agency Counsel

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

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

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

WHEREAS, Section 858 of the New York General Municipal Law authorizes the Agency to designate the depositories of its money either within or without the state; and

WHEREAS, on or about September of 2023, the Agency approved the appointment of Provident Bank for some of its commercial banking services; and

WHEREAS, the Agency maintains a certificate of deposit account (“CD Account”) with Provident Bank which matured on or about April 19, 2025; and

WHEREAS, the Agency renewed the CD Account with Provident Bank at maturity.

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

Section 1. The Agency hereby approves the renewal of the CD Account with Provident Bank, nunc pro tunc to April 19, 2025.

Section 2. The Chair or Executive Director is hereby authorized to take all reasonable actions necessary to implement the provisions thereof.

Section 3. This Resolution shall become effective upon the date so adopted.

The question of the adoption of the foregoing resolution was duly put to 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 this 30th day of June, 2025, nunc pro tunc to the _19th___ day of __April___ 2025.

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

I, the undersigned Acting Secretary of City of Newburgh Industrial Development Agency (the “Agency”), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency held on June 30, 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 the whole of said original so far as the same relates to the subject matters therein referred to.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this ___ day of _____ 2025.

Acting Secretary

(SEAL)

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2025-06-30-06

RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING TO CONSIDER CERTAIN AMENDMENTS TO THE AGENCY UNIFORM TAX EXEMPT POLICY

A regular meeting of 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 June 30, 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	Chair
Alexandra Church	Vice Chair
Vickiana DeMora	Treasurer
Sharonda Powell	Acting Secretary

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Adriana Huaynalaya	Financial Administrator
Robert J. McLaughlin, Esq.	Agency Counsel

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

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

general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration ; and

WHEREAS, subsection (4) of Section 874 of the Act, as added by Chapters 356 and 357 of the Laws of 1993 of the State of New York, requires that the Agency establish a uniform tax exemption policy, with input from affected tax jurisdictions; and

WHEREAS, in accordance with the Act, the Agency has adopted a uniform tax exemption policy (the "Policy") providing for guidelines for the claiming of real property, mortgage recording and sales tax exemptions; and

WHEREAS, members of the Agency conducted a review of the Policy; and

WHEREAS, the Agency desires to amend and supplement the Policy; and

WHEREAS, pursuant to Section 874 of the Act, prior to taking final action on amendments to the Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district affected by the Policy (collectively, the "Affected Tax Jurisdictions") prior written notice of the amendments to the Policy; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 874 of the Act with respect to the amendments to the Policy by scheduling a public hearing for the amendments to the Policy.

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

Section 1. The Agency hereby authorizes the Chair, the Vice Chair or any Officer of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the amendments to the Policy (the "Public Hearing"); (B) to cause the Public Hearing to be held in a city, town or village where the Affected Tax Jurisdictions are located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the Affected Tax Jurisdictions, such notice or notices to comply with the requirements of Section 859-a of the Act and shall be at least ten (10) days prior to the date of such Public Hearing; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the Affected Tax Jurisdictions to comply with the requirements of Sections 859-a and 874(4) of the Act at least ten (10) days prior to the date of such Public Hearing; (D) to conduct or cause the holding of such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the "Report") to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. Having considered the amendments to the Policy, the Agency hereby authorizes the Chair, the Vice Chair or any Officer of the Agency, to send a written notice to the

chief executive officers of each of the Affected Tax Jurisdictions informing them that (A) the Agency is considering making certain amendments to the Policy at least ten (10) days prior to the date of such Public Hearing; (B) soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed amendments to the Policy; and (C) inviting attendance of any representative of the Affected Tax Jurisdictions to attend the Public Hearing.

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

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

Section 5. This Resolution shall take effect immediately.

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

Michael Neppl	VOTING
Alexandra Church	VOTING
Vickiana DeMora	VOTING
Sharonda Powell	VOTING

The foregoing resolution was thereupon declared duly adopted.

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2025-06-30-07

RESOLUTION ACKNOWLEDGING THE EXPIRATION OF THE APPROVING RESOLUTION NO. 2023-06-12-07 AND THE WITHDRAWAL OF THE FINANCIAL ASSISTANCE FOR THE 191 WASHINGTON STREET LLC PROJECT.

A regular meeting of 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 June 30, 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	Chair
Alexandra Church	Vice Chair
Vickiana DeMora	Treasurer
Sharonda Powell	Acting Secretary

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Adriana Huaynalaya	Financial Administrator
Robert J. McLaughlin, Esq.	Agency Counsel

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

WHEREAS, the City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) 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 April 13, 2022, 191 Washington Street LLC, a New York limited liability company, or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (collectively, the "Company"), submitted an application to the Agency, as amended by letter dated October 18, 2022 (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 an approximately 40,000 square foot parcel of real property located at 191 Washington Street, Newburgh, New York (the “Land”), (2) the construction and improvement of two (2) new buildings on the Land totaling approximately 70,000 square feet to consist of twelve (12) residential units and commercial space including offices and a farm brewery (the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by Resolution No. 2022-11-21-01 adopted by the members of the Agency on November 21, 2022 (the “First Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the First Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “First Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed or hand delivered on November 29 and 30, 2022 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the First Public Hearing to be posted on November 29, 2022 on a public bulletin board located at the Newburgh City Hall located at 83 Broadway, City of Newburgh, Orange County, New York, (C) caused notice of the First Public Hearing to be published on December 2, 2022 in the Times Herald Record, a newspaper of general

circulation available to the residents of the City of Newburgh, Orange County, New York, (D) conducted the First Public Hearing on December 19, 2022 at 5:30 o'clock p.m., local time at offices of the City of Newburgh Industrial Development Agency located at City Hall, 83 Broadway, Orange County, Newburgh, New York, and (E) caused to be prepared a report of the First Public Hearing (the "First Public Hearing Report") fairly summarizing the views presented at such First Public Hearing and caused a copy of said First Public Hearing Report to be made available to the members of the Agency and the public by posting the same to the Agency website; and

WHEREAS, by Resolution No. 2023-01-18-03 adopted by the members of the Agency on January 18, 2023 (the "Second Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Sections 859-a and 874(4) of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Second Public Hearing Resolution, the Chair and the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Second Public Hearing", and together with the First Public Hearing, the "Public Hearings") 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, as well as the proposed deviation from the Agency's Uniform Tax Exemption Policy, with respect to the Project, to be mailed or hand delivered on January 24, 2023 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Second Public Hearing to be posted on January 24, 2023 on a public bulletin board located at the Newburgh City Hall located at 83 Broadway, City of Newburgh, Orange County, New York, (C) caused notice of the Second Public Hearing to be published on January 26, 2023 in the Times Herald Record, a newspaper of general circulation available to the residents of the City of Newburgh, Orange County, New York, (D) conducted the Second Public Hearing on February 22, 2023 at 6:00 o'clock p.m., local time at offices of the City of Newburgh Industrial Development Agency located at City Hall, 83 Broadway, Orange County, Newburgh, New York, and (E) caused to be prepared a report of the Second Public Hearing (the "Second Public Hearing Report") fairly summarizing the views presented at such Second Public Hearing and caused a copy of said Second Public Hearing Report to be made available to the members of the Agency and the public by posting the same to the Agency website; and

WHEREAS, in connection with the Application, the Company made a request to the Agency (the "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 "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 gave the chief executive officers of the County of Orange, and each city, town, village and 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 Deviation Notice requested comments to be submitted at the Second Public Hearing; and

WHEREAS, the Second Public Hearing was kept open by the hearing officer for the submission of additional written public comments until the consideration of an approving resolution for the Project; 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 determined by Resolution No. 2023-06-12-05 adopted by the members of the Agency on June 15, 2023 that; (A) the Project constitutes an “Unlisted Action” (as said quoted term is defined in the Regulations) and therefore coordinated review and notification of other involved agencies is strictly optional; (B) the Agency not undertake a coordinated review of the Project, and not seek lead agency status with respect to the Project; (C) the Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment and therefore, that the Project will not have a significant effect on the environment, and the Agency will not require the preparation of an environmental impact statement with respect to the Project; and (D) as a consequence of the foregoing, the Agency has decided to prepare a negative declaration (“Negative Declaration”) 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 reviewed the following (collectively, the “Project Qualification Documents”): (A) the Application; (B) the published Cost Benefit Analysis dated August 22, 2022 and prepared by the MRB Group at the request of the Agency and which is posted to the Agency website and which was discussed with the public at the First Public Hearing; (C) the published Test of Reasonableness dated August 18, 2022 and prepared by the MRB Group at the request of the Agency and which is posted to the Agency website and which was discussed with the public at the First Public Hearing; (D) the transcripts of the Public Hearings, respectively, and the public comments in support expressed thereat; and (E) copies of correspondence from governmental officials supporting the commercial/economic impacts of the Project (the “Local Support”); and

WHEREAS, pursuant to the Cost Benefit Analysis, the Project is projected to (A) create approximately 53 direct and indirect construction jobs at the Project Facility during the approximately 24 month construction period; (B) create approximately 35 direct and indirect ongoing jobs at the Project Facility once the Project facility is fully operational; and (C) projected to generate annual sales tax real property tax revenue to the City of Newburgh and Orange County of more than \$6.9 million cumulatively over a 15 year period after the Project Facility becomes operational; and

WHEREAS, pursuant to the Test of Reasonableness, the requested Financial Assistance is reasonable and will provide the Company (A) a reasonable, risk-adjusted internal rate of return;

and (B) permit an acceptable debt service ratio coverage for the Project for financing purposes; and

WHEREAS, during the Public Hearings, (A) approximately 16 public officials and members of the public spoke and provided their comments on the Project during the First Public hearing; (B) more than 26 letters, petitions and/or signatures in support (and in opposition) were received by the Agency and made a part of the public record of such First Public Hearing; and (C) no comments were received during the Second Public Hearing and no comments were received in connection with the proposed deviation by the Agency from the provisions of the Policy for the Project; and

WHEREAS, by further resolution adopted by the members of the Agency on June 12, 2023, pursuant to Resolution No. 2023-06-12-06 (the “Commercial/Retail Findings Resolutions”), 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 Project constitutes a “commercial” project within the meaning of the Act; and

WHEREAS, by further resolution adopted by the members of the Agency on June 12, 2023 pursuant to Resolution No. 2023-06-12-07 (the “Approving Resolution”), the Agency determined to grant the Financial Assistance and to enter into a lease agreement (the “Lease Agreement”) between the Agency and the Company and certain other documents related thereto and to the Project (collectively with the Lease Agreement, the “Basic Documents”); and

WHEREAS, pursuant to the Approving Resolution, the Agency, through its special legal counsel, delivered the Basic Documents to the Company; and

WHEREAS, the Company advised, by way of submitting an amendment to the Application dated March 31, 2025, that it was seeking additional financial assistance by way of an increase to the Pilot Request; and

WHEREAS, the Agency has determined that new requests for payment in lieu of tax agreements related to housing projects shall be considered and issued by the City of Newburgh; and

WHEREAS, the Approving Resolution requires the Company to close on the Financial Assistance and document to the Agency’s satisfaction the commencement of the construction of the Project Facility within twenty-four (24) months of the date of the Approving Resolution; and

WHEREAS, the Agency has requested that the Company close on the Financial Assistance approved in the Approving Resolution; and

WHEREAS, the Company has elected not to close on the Financial Assistance in the twenty-four (24) months since the Agency adopted the Approving Resolution; and

WHEREAS, the Agency has determined to withdraw the Financial Assistance due to the lack of interest from the Company to proceed with the Financial Assistance approved under the Approving Resolution.

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

Section 1. The Financial Assistance approved under the Approving Resolution is withdrawn.

Section 2. The Company shall remain responsible for the payment of all Agency fees, including the reasonable fees of the appointed special counsel Whiteman Osterman & Hanna LLP in accordance with the hold harmless agreement executed with the Application.

Section 3. This Resolution shall take effect immediately.

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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.

