

**ORANGE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

**Orange County Business Accelerator
4 Crotty Lane, Suite 100
New Windsor, NY 12553
Phone: 845-234-4192 Fax: 845-220-2228**

Robert T. Armistead, Chairman
Mary Ellen Rogulski, Vice Chairman
Russell O. Vernon, Second Vice Chairman
Stephen Brescia, Secretary
John Steinberg, Jr., Assistant Secretary
Henry VanLeeuwen
Robert J. Schreiber, Sr.

Joel Kleiman, Chief Financial Officer
Kevin Dowd, Attorney
Laurie Villasuso, Administrative Assistant

Agenda

PLEASE TAKE NOTICE, The Orange County Industrial Development Agency will hold a regularly scheduled meeting on November 20, 2013 at 3:00 p.m. in the Orange County Business Accelerator, 4 Crotty Lane, New Windsor, New York, to consider and/or act upon the following:

Order of Business

- **Roll Call**
- **Approval of the minutes from October 16 2013 meeting**
- **Financial Reports and/or Requests for Payments**
- **New and Unfinished Business**
 - Chairman's Report
 - OCBA Report
 - OCP Report
 - Discussions
 - AJ Ross
 - Continental Organics – Update
- **Resolutions**
 - CNW Real Estate, LLC – Initial Resolution
 - CRH Realty VIII, LLC – Initial Resolution
- **Executive Sessions**
- **Such other and further business as may be presented**
- **Public Comments**
- **Adjournment**

Dated: November 12, 2013

Stephen Brescia, Secretary

By: Robert T. Armistead, Chairman

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

October 16, 2013

A regular meeting of the Orange County Industrial Development Agency was convened in public session on October 16, 2013 at 3:09 P.M. at the Orange County Business Accelerator in New Windsor, New York.

The meeting was called to order by the Chairman, Robert Armistead, and upon roll being called, the following were:

PRESENT: Robert Armistead, Russell Vernon, Stephen Brescia, Robert Schreibeis, John Steinberg, Henry VanLeeuwen

ABSENT: Mary Ellen Rogulski

ALSO PRESENT: Kevin Dowd – Attorney
Laurie Villasuso – Administrative Assistant
Brian Gates – HVEDC
Peter Malone – OCBA
Maureen Halahan – Orange County Partnership
Michael Sullivan – Orange County Partnership
Lou Heinbach – Orange County Citizens Foundation
Nancy Proyect – Orange County Citizens Foundation
Chairman Michael Pillmeier – Orange County Legislature
Allan Ross – AJ Ross Creative Media
Carlos Vega – AJ Ross Creative Media
James Walsh – Times Herald Record

Chairman Armistead calls the meeting for the Orange County IDA, October 16, 2013 (Pledge of Allegiance is recited). Board consists of six members. There is a quorum.

Review of the prior September 11 and October 2, 2013 meeting minutes. Motion made by VanLeeuwen, seconded by Schreibeis, to approve the minutes as presented. Motion carries with all in favor.

Roll Call taken.

Financial Reports and/or Requests for Payment

Mr. Kleiman asks the members to refer to the voucher and payment schedule, and advises that the IDA took in \$31,538.24 and invoices total \$191,623.28. Moving on to address the Income and Expense summary, Mr. Kleiman notes that YTD, the IDA has received just under \$1.5M, and expended \$512K, revenues exceeding expenses by \$969K, which is \$164K greater than the budget projection. Mr. VanLeeuwen asks about the "Recovered Funds" line item for \$255K, and is advised by Mr. Kleiman that the line reflects the anticipated Drury Lane monies. Mr. Kleiman then addresses the Bank Account schedule, and advises the Members that \$500K was moved from the Chase checking account to the Provident Money Market earning 0.51%. That transaction will be reflected in November's reports.

Mr. Kleiman then quickly reviews the OCFC reports. The vouchers totaled \$1,877.75, with no receipts. The OCFC has revenues of \$328K, and expenses of \$9K, revenues exceeding expenses by just under \$320K.

Motion made by Brescia, seconded by VanLeeuwen, that the Board accepts the financial report and authorization of IDA payments and vouchers for October 2013. Open for discussion. Affirmative votes of all members present resulted in motion carried.

Motion made by VanLeeuwen to enter executive session pursuant to section 105(1)(f) of the open meetings law to discuss the financial and/or credit history of a particular person or company. Motion seconded by Brescia. All in favor.

Executive Session

The members discussed a particular company

End of Executive Session

Motion to close Executive Session made by Schreibeis, seconded by Brescia. All in favor. No action taken in Executive Session.

Chairman's Report

Chairman Armistead begins by advising that the Shovel Ready Initiative is under way. He creates a sub-committee of Schreibeis, VanLeeuwen and himself to sit with Mr. Dowd and Ms. Halahan to put together information to present to the rest of the Board at November's meeting. He notes that the IDA has done this type of thing before, about fifteen to twenty years ago. The sub-committee will look to other NY counties' Shovel Ready programs for examples, iron out the particulars and have a plan to present at the next meeting.

He also notes that Allan Ross and his team are attending the meeting, and will be giving a presentation to the Board later in the meeting. They will be discussing how they can help the IDA clear up public perception of its mission and achievements.

Chairman Armistead moves on to address the recent issue of local labor policy. The recent discussion around the Town of Montgomery IDA's UNFI project has caused the Board to look more closely at its own policy. Chairman Armistead creates a sub-committee of Brescia, Vernon and himself, which will review the current policy and offer possibilities to revise it to more effectively urge local labor. Mr. Dowd will also be involved in the discussions. Chairman Armistead reminds the Members that the desired goal is to provide local construction jobs, in addition to the permanent jobs the IDA projects create.

He advises the Board that former IDA attorney Phil Crotty recently reached out to him and sent him an article about CNC manufacturing in the US. Chairman Armistead also notes that he toured the Armory last week, and commented on the recent collaboration of the Armory and local colleges to bring more education to Newburgh.

Orange County Citizens Foundation

Chairman Armistead begins by reminding the Board that he discussed the Quality of Life Report Card book that the Citizens Foundation distributes, and notes that it is an excellent marketing tool for the County, the Partnership and the IDA, with a wealth of information on Orange County. Mr. Heinbach begins by explaining that the funding for the report card originally came from New York State. The report has been updated since its most recent publish, but it's time to publish a new book with updated information. He notes that the report card book includes items like demographics, planning board information, average wages, and more. He adds that it is the most useful publication that organizations like the Partnership use in their efforts to attract people and businesses to Orange County. He advises that the Orange County Citizens Foundation is asking the IDA to assist in the production and publication of the book in the amount of \$50K. Ms. Proyect notes that they publish up to 1000 copies of the book, and the information is made available online and in disc format. The budget for the book is \$53.5K and covers not only publication, but also research and development of the new book; the remainder of the budget will be covered by sponsorships.

Chairman Pillmeier adds that he believes the Report Card is a valuable resource for the County.

Motion made by VanLeeuwen, seconded by Brescia, to approve an expenditure of \$50K to the Orange County Citizens Foundation for the publication of the Quality of Life Report Card. Motion carries with all in favor.

Ms. Proyect notes that the new book should be available in the spring.

OCBA Report

Mr. Gates begins by advising that Kudokit, a Business Challenge Silver Winner, no longer needs space in the Accelerator and will vacating their space. Mr. Malone adds that Mag 3 International will be coming in to replace them. They source products for HSN, QVC and NBC Shopping. One of the two current members of the company is a guest host on QVC, and they look to grow by two employees within the next six months.

Mr. Steinberg asks for an explanation of Kudokit. Mr. Gates advises that their product would create a profile that follows children from grade school to high school and would accompany SAT scores and college applications. Mr. Vernon notes that Kudokit continues to move forward and make progress, but the space wasn't necessary for them.

Mr. Malone adds that two associate members have come on board: Hirezoom.com, which created a cloud-based applicant management system for companies looking to hire new employees, and JanMetrics.com, which is a cloud-based Customer Relationship Management software package, geared toward the janitorial services market.

To clarify, Chairman Armistead notes that Associate clients don't have offices at the Accelerator, but have access to the facilities, like the conference room.

Regarding Start-Up NY, Mr. Gates believes that the Accelerator will in fact be a part of Start-Up NY, but the legislation is still in process. Moving on to address marketing, Mr. Gates notes that website views are up, and page views are lasting longer. Lastly, there is an event coming up at Continental Organics. Working with UVANY, Continental Organics will host an open house and Mr. Finnegan will have a presentation about working with the Accelerator, and UVANY will be addressing how to gain access to capital.

OCP Report

Mr. Sullivan begins by noting that the UNFI groundbreaking held recently came only six short months after the Partnership began working on the deal. In addition, the Mediacom grand opening was held in September, a project facilitated by the IDA.

Because of their persistent marketing, the Partnership is working with 64 leads. He distributes post cards that were recently mailed, highlighting the testimonials of companies who have worked with the Partnership. Business Expansion and Retention is a huge portion of the Partnership's workload. He notes that there is an exciting improvement on the horizon, which is a web portal that will be available to brokers and affiliates. The portal will be business leads from all over the state, from newspapers and meeting minutes.

He moves on to highlight three projects:

Project Anvil: A manufacturing company in the organic food industry, they are looking for 350K square feet, with the expected creation of 300-700 jobs. At this time, they have a site in mind.

Project Heat: An "economic relocation," this company is seeking the cheaper square footage that Orange County has to offer. They need 25,000 square feet, and have a site chosen in the Town of Crawford.

Project Relocation: A Long Island company looking for 100-125K square feet with 3-4 truck bays. This company deals in manufacturing of promotional products.

Mr. Sullivan goes on to display photos from the recent renovation of the future Touro Medical School, noting that their first class is slated for August 2014. He also mentions Project Vet, which is an exciting venture dealing in the treatment of PTSD.

In the BR&E pipeline, there are 790 jobs and 322K square feet. Of the 64 new projects in the pipeline, 23 of them are in manufacturing, 19 are in distribution. Mr. Sullivan also notes that the Partnership recently held a SEQRA summit, and distributes copies of the WSJ Ad Insert.

AJ Ross

Mr. Ross begins by thanking the Board for the opportunity to work with the IDA. He explains that he's been in business for 23 years. He also displays for the Board some examples of other AJ Ross projects, including the Orange County Partnership, the Orange County Chamber of Commerce and Orange County Tourism. He discusses the strategic marketing deployed for all of their clients.

He moves on to advise the Board it seems to him that the public doesn't understand what the IDA does, and recommends educating the public and discussing projects as they come up, not waiting until someone else has told the story. He explains that he'd like to overhaul the IDA and OCFC logos, and would like to set up social media for the IDA, in addition to getting the word out about what the IDA does.

He introduces Mr. Vega, who begins by explaining that the first, most important step is already underway: The new website. He elaborates that it is the corner stone of the new marketing plan, serving as the jumping off point for all of the IDA's social media. He goes on to explain Search Engine Optimization, back links and coding the IDA website. He

then discusses reaching the portion of the market and community that doesn't read the newspaper; the portion that only uses sites like LinkedIn and Facebook. He also explains the demographics of social media, and how it brings your brand directly to interested parties.

Mr. Vernon notes that it is extremely important to explain the good works the IDA does; Mr. Ross agrees and, taking it further, notes that AJRoss has an excellent relationship with local press and will get the word out about the IDA projects.

Chairman Armistead asks Ms. Villasuso for her recommendation in terms of where the Board should start. She advises that the best place to start would be with new logos for the IDA and OCFC, a brochure, LinkedIn and Facebook page creation, print media ad and Press Release templates. Mr. Ross adds that he wants the Members to feel free to reach out to him to create the best, and clearest, message possible. For everything she mentioned, the cost is \$12,500. Mr. Steinberg asks how long the process will take to get the process started, and is advised that most of the materials can be ready within a few months.

Mr. Brescia asks about editing the IDA video, produced a few years ago, and asks if it can be updated. Mr. Ross advises him that he can look at it, but isn't sure he would be able to update it. The Members agree it would be ideal to have an updated or new IDA video.

Motion made by Vernon, seconded by Brescia, to move forward with the AJ Ross Marketing and PR proposal, in the amount of \$12,500.00. Open for discussion. Affirmative votes of all members present resulted in motion carried.

The Monroe Cable Company, Inc. – Final Resolution.

Mr. Dowd notes that there is a cap on the Monroe Cable Co's Sales Tax Exemption, in the amount of \$121,875, and also notes that the IDA will assign a portion of its Bond Allocation to the OCFC.

Mr. Dowd reads The Monroe Cable Company, Inc. final resolution aloud. Motion made by VanLeeuwen, seconded by Schreibeis. Open for discussion. Affirmative votes of all members present resulted in motion carried.

Motion made by VanLeeuwen to enter executive session to discuss issue relating to the employment history of a particular person. Motion seconded by Schreibeis. All in favor.

Executive Session

The members discussed employment matters.

[Mr. VanLeeuwen enters the meeting]

End of Executive Session

Motion to close Executive Session made by VanLeeuwen, seconded by Steinberg. All in favor. No action taken in Executive Session.

Such other and further business as may be presented

Chairman Armistead mentions that he distributed the Pattern for Progress report on Orange County's aging population. In addition, he notes that the Pattern for Progress awards reception is being held on November 7th.

Motion made by VanLeeuwen, seconded by Schreibeis, to purchase a table for ten at the Pattern for Progress dinner. Motion carries with all in favor.

Lastly, Chairman Armistead notes that there is an upcoming event for the County Executive, and seats for the event must be purchased.

Motion made by VanLeeuwen, seconded by Steinberg, to purchase seats for the IDA Board, Attorney and Administrative Assistant at the price of \$50 per seat. Motion carries with all in favor.

With no further business, meeting called for adjournment by Chairman Armistead, motion made by VanLeeuwen, seconded by Rogulski, the time being 5:35 p.m.

Orange County Industrial Development Agency
Income and Expense Summary
October 2013

	Oct 13	Jan - Oct 13	Budget	\$ Over Budget
Income				
Closing Fees	\$ -	\$ 506,250	\$ 983,333	\$ (477,083)
Fees	\$ -	\$ 928,072	\$ 455,000	\$ 473,072
IDA Administrative Fees	\$ -	\$ 15,000	\$ 5,000	\$ 10,000
Interest Earnings	\$ 2,320.72	\$ 18,956	\$ 22,000	\$ (3,044)
Pass Thru Legal Fees	\$ -	\$ 15,000	\$ 5,000	\$ 10,000
Recovered Funds	\$ -	\$ -	\$ 255,000	\$ (255,000)
Total Income	\$ 2,320.72	\$ 1,483,278	\$ 1,725,333	\$ (242,055)
Expense				
Administrative Costs				
Advertising	\$ -	\$ -	\$ 1,500	\$ (1,500)
Auditors	\$ -	\$ 1,749	\$ 13,000	\$ (11,251)
Insurance	\$ -	\$ 5,896	\$ 7,000	\$ (1,104)
Mileage	\$ -	\$ 158	\$ 500	\$ (342)
OCIDA Admin. Support	\$ -	\$ -	\$ 15,000	\$ (15,000)
Office Supplies & Expenses	\$ 273.28	\$ 7,283	\$ 5,000	\$ 2,283
Professional Fees	\$ 2,620.00	\$ 7,895	\$ -	\$ 7,895
Secretary/Bookkeeper/Accountant	\$ 500.00	\$ 1,500	\$ 2,000	\$ (500)
Total Administrative Costs	\$ 3,393.28	\$ 24,481	\$ 44,000	\$ (19,519)
Agency Contribution Costs				
Hudson Valley Agribusiness Dvl.	\$ -	\$ -	\$ 25,000	\$ (25,000)
Hudson Valley Eco. Dev. Corp.	\$ -	\$ 20,000	\$ 20,000	\$ -
Hudson Valley Film Commission	\$ -	\$ -	\$ 10,000	\$ (10,000)
Hudson Valley Food & Beverage	\$ -	\$ 20,000	\$ 20,000	\$ -
O.C. Empire Zone	\$ -	\$ -	\$ 5,000	\$ (5,000)
O.C. Foreign Trade Zone	\$ -	\$ -	\$ 25,000	\$ (25,000)
O.C. Partnership	\$ 50,000.00	\$ 179,952	\$ 200,000	\$ (20,048)
Orange County NY Arts Council	\$ -	\$ 23,054	\$ 45,000	\$ (21,946)
Patterns for Progress	\$ -	\$ 17,000	\$ 17,000	\$ -
PTAC	\$ 7,000.00	\$ 21,000	\$ 28,000	\$ (7,000)
Agency Contribution Costs - Other	\$ -	\$ 5,000		
Total Agency Contribution Costs	\$ 57,000.00	\$ 286,005	\$ 395,000	\$ (108,995)
Legal				
Legal, Pass Thru	\$ -	\$ 12,500	\$ 5,000	\$ 7,500
Legal - Other	\$ 7,955.00	\$ 50,700	\$ 92,000	\$ (41,300)
Total Legal	\$ 7,955.00	\$ 63,200	\$ 97,000	\$ (33,800)
Other Expenses				
Conferences, Seminars & Events	\$ 1,750.00	\$ 5,941	\$ 5,000	\$ 941
Promotional Expenses	\$ -	\$ 14,834	\$ 30,000	\$ (15,166)
Total Other Expenses	\$ 1,750.00	\$ 20,774	\$ 35,000	\$ (14,226)
Projects				
Projects	\$ 123,275.00	\$ 311,474	\$ 350,000	\$ (38,526)
Total Projects	\$ 123,275.00	\$ 311,474	\$ 350,000	\$ (38,526)
Total Expense	\$ 193,373.28	\$ 705,934	\$ 921,000	\$ (215,066)
Income Over/(Under) Expense	\$ (191,052.56)	\$ 777,344	\$ 804,333	\$ (26,989)

Orange County Industrial Development Agency
Banks Accounts/Certificates of Deposit/Money Markets Accounts
As of October 31, 2013

Listed in order of maturity date.

#	Purchase Date	Maturity Date	# of Days	Bank	Principal	Interest Rate	Interest Amount	Status
1	10/5/07	1/4/08	91	Catskill Hudson Bank	\$ 2,820,045	5.03%	\$ 37,931.64	closed
2	12/10/07	1/15/08	36	Catskill Hudson Bank	\$ 1,000,000	4.82%	\$ 4,820.00	closed
3	12/10/07	2/19/08	71	Catskill Hudson Bank	\$ 1,000,000	4.79%	\$ 9,446.94	closed
4	1/4/08	3/18/08	74	Orange County Trust	\$ 1,000,000	4.52%	\$ 9,291.11	closed
5	1/4/08	4/15/08	102	Catskill Hudson Bank	\$ 1,000,000	4.75%	\$ 13,458.33	closed
6	1/4/08	5/20/08	137	Catskill Hudson Bank	\$ 1,000,000	4.75%	\$ 18,076.39	closed
7	1/15/08	6/17/08	154	Catskill Hudson Bank	\$ 1,000,000	4.45%	\$ 19,036.11	closed
8	2/19/08	7/15/08	147	Catskill Hudson Bank	\$ 1,000,000	3.13%	\$ 12,780.83	closed
9	7/15/08	9/17/08	63	Catskill Hudson Bank	\$ 1,000,000	3.13%	\$ 5,477.50	closed
10	8/19/08	10/15/08	55	Catskill Hudson Bank	\$ 1,000,000	3.06%	\$ 4,675.00	closed
11	9/17/08	12/17/08	91	Catskill Hudson Bank	\$ 4,800,000	3.18%	\$ 38,584.00	closed
12	10/15/08	4/15/09	182	HSBC	\$ 1,004,690	3.70%	\$ 18,793.00	closed
13	12/17/08	6/17/09	182	Orange County Trust	\$ 5,342,486	3.12%	\$ 83,114.44	closed
14	4/15/09	10/21/09	189	Orange County Trust	\$ 1,023,484	1.40%	\$ 7,419.55	closed
15	6/17/09	12/16/09	182	Orange County Trust	\$ 5,425,922	2.10%	\$ 56,816.10	closed
16	10/21/09	1/20/10	91	Catskill Hudson Bank	\$ 530,917	1.02%	\$ 1,368.88	closed
17	12/16/09	3/17/10	91	Orange County Trust	\$ 2,800,000	0.85%	\$ 5,934.00	closed
18	12/16/09	6/16/10	182	Orange County Trust	\$ 2,682,739	1.32%	\$ 17,657.56	closed
19	1/20/10	9/15/10	238	Orange County Trust	\$ 532,285	0.80%	\$ 2,776.63	closed
20	3/17/10	9/15/10	182	Catskill Hudson Bank	\$ 1,400,000	0.65%	\$ 4,600.56	closed
21	12/29/09	12/15/10	351	Orange County Trust	\$ 750,000	1.05%	\$ 7,572.95	closed
22	3/17/10	3/16/11	364	Catskill Hudson Bank	\$ 1,405,934	0.70%	\$ 9,950.89	closed
21	6/16/10	6/15/11	364	Orange County Trust	\$ 2,300,396	0.75%	\$ 17,205.70	closed
22	6/15/11	12/21/11	189	Orange County Trust	\$ 2,317,650	0.45%	\$ 5,400.44	closed
23	12/21/11	12/19/12	364	Orange County Trust	\$ 2,323,051	0.50%	\$ 11,583.43	closed
24	8/16/12	8/16/13	365	Orange County Trust	\$ 1,400,000	0.50%	\$ 6,992.82	closed
25	12/19/12	12/18/13	364	Orange County Trust	\$ 2,334,634	0.35%	\$ 8,148.10	open
26	8/29/13	8/29/14	365	Provident Bank	\$ 1,500,000	0.51%	\$ 7,756.25	open

	Amount	% of total		rate
Bank Account	Chase - checking	\$ 569,409	7%	bank account 0.10%
Certificates of Deposit	OC Trust/Provident	\$ 3,834,634	45%	CD
Money Market	Provident Bank	\$ 1,908,684	23%	MM 0.51%
Money Market	Provident Bank	\$ 2,140,287	25%	MM 0.35%
	total	\$ 8,453,013	100%	

Orange County Funding Corporation
As of October 31, 2013

	Amount	% of total		rate
	Chase - checking	\$ 94,602	14%	bank account 0.10%
	Orange County Trust	\$ 601,012	86%	MM 0.30%
	total	\$ 695,613	100%	

Orange County IDA

Received for October/November 2013

CNW Real Estate, LLC (Application Fee)	5,000.00
CRH Realty VIII, LLC (Application Fee)	5,000.00
Total	10,000.00

Vouchers & Payments November 2013

Pattern for Progress (Table for 10 @ 11/7 Dinner) *Paid*	1,350.00
COA EAD (Seats for IDA Board at Diana function) *Paid*	400.00
Orange County Citizens Foundation (Quality of Life Report Card)	50,000.00
County of Orange (Newburgh-Stewart Empire Zone 2013)	5,000.00
County of Orange (Foreign Trade Zone 2013)	25,000.00
County of Orange (Support Services Agreement 2013)	8,000.00
Orange County Partnership (Table at OCP Event)	1,485.00
AJ Ross (2nd Installment for Web design/programming)	1,875.00
AJ Ross (1st half of Marketing fee)	5,250.00
AJ Ross (1st half of Logo fee)	1,000.00
AJ Ross (1st half SEO for Website)	1,250.00
Kevin T. Dowd, Esq (Legal 10/6 through 11/7)	7,612.75
Hudson Valley Agribusiness Development Corp (Jan - Aug 2013)	20,737.50
Prestige Building Company **CGAM**	35,921.00
Total	164,881.25

**Orange County Business Accelerator
Profit & Loss YTD Comparison
October 2013**

	<u>Oct 13</u>	<u>Jan - Oct 13</u>	<u>Budget</u>	<u>83%</u>
Ordinary Income/Expense				
Income				
Federal Tax Refund	0.00	0.00		
IDA Deposit	0.00	523,069.50		
Insurance Refund	0.00	0.00		
NYS Refund	0.00	0.00		
Rent-Clients	4,409.60	50,692.32	100,000.00	51%
Rent-HVEDC	3,145.98	31,460.40	38,400.00	82%
Seminar/Sponsor			2,000.00	0%
Rent Sponsors	1,333.34	10,666.70		
Utility Reimbursement	187.47	2,276.37	4,000.00	57%
Total Income	<u>9,076.39</u>	<u>618,165.29</u>	<u>144,400.00</u>	
Expense				
Admin. Salary - Ent. Dev. Dir.	3,076.96	33,077.32	40,000.00	83%
Admin. Salary - IDA Admin Asst	3,118.92	33,528.39	40,556.00	83%
Admin. Salary -Admin. Assistant	3,072.00	33,024.00	39,900.00	83%
Automobile Expense	102.41	823.16	10,000.00	8%
Bank Service Charges	10.00	10.00	0.00	
Benefits				
403B	247.16	2,656.97		
MVP	1,201.36	12,013.66		
NYSDBL	12.72	136.74		
Total Benefits	<u>1,461.24</u>	<u>14,807.37</u>	<u>21,000.00</u>	<u>71%</u>
Building Insurance	3,746.33	6,774.46	5,000.00	135%
Building Rent	14,647.50	146,475.00	175,770.00	83%
Building Utilities	1,517.91	15,744.92	20,000.00	79%
Business Accelerator Management	6,000.00	60,000.00	72,000.00	83%
Contingency			5,000.00	0%
Common Area Maintenance	4,104.76	40,093.77	44,400.00	90%
Dues and Subscriptions	807.00	4,402.47	3,500.00	126%
Info Technology	1,188.96	14,609.07	30,000.00	49%
Marketing/PR & Web	14,724.42	45,822.77	150,000.00	31%
Office Cleaning	250.00	2,500.00	3,000.00	83%
Office Supplies & Postage	718.99	6,601.02	9,000.00	73%
Payroll Taxes & Fees				
FICA / Med	134.40	1,444.78		
FICA / SS	574.60	6,176.91		
FUTA	0.00	386.58		
Staff-Line Fee	162.20	1,743.65		
SUTA	0.00	449.76		
Workers Comp	269.52	934.11		
Payroll Taxes & Fees - Other	0.00	-315.38		
Total Payroll Taxes & Fees	<u>1,140.72</u>	<u>10,820.41</u>	<u>12,000.00</u>	<u>90%</u>
Professional Fees	525.00	4,725.00	6,300.00	75%
Rent Expense	0.00	0.00		
Rent Income	1,500.00	1,500.00		
Revenue Reimbursement to IDA	0.00	86,988.71		
Security Deposit - Refund	500.00	500.00		
Travel, Lodging, Meals	0.00	503.28	10,000.00	5%
Total Expense	<u>62,213.12</u>	<u>563,331.12</u>	<u>697,426.00</u>	
Net Ordinary Income	<u>-53,136.73</u>	<u>54,834.17</u>		
Other Income/Expense				
Other Income				
Interest Income	19.53	142.58		
Total Other Income	<u>19.53</u>	<u>142.58</u>		
Net Other Income	<u>19.53</u>	<u>142.58</u>		
Net Income	<u><u>-53,117.20</u></u>	<u><u>54,976.75</u></u>		

**ORANGE COUNTY
INDUSTRIAL
DEVELOPMENT
AGENCY**

**APPLICATION FOR
FINANCIAL ASSISTANCE**

CNW Real Estate, LLC
(Applicant Name)

James O'Donnell
Executive Director

Office of Economic Development
Orange County Government Center
255 Main Street
Goshen, NY 10924
Tel: 845-291-2700
www.orangecountygov.com
business@orangecountygov.com

Updated August 2012

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: CNW Real Estate, LLC
Mailing Address: 21 Carmel Heights Wappinger Falls NY 12590
Phone No.: 914-403-8943
Fax No.: 732-612-1148
Fed Id. No.: 46-3684366
Contact Person: Mark Nunheimer 508-896-0253

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):
Alex Gellaty 35%, Fred Straub 34%, Mark Nunheimer 16%

Corporate Structure (*attach schematic if applicant is a subsidiary or otherwise affiliated with another entity*)

Form of Entity

Corporation

Date of Incorporation: _____
State of Incorporation: _____

Partnership

General: _____ or Limited: _____
Number of general partners: _____
If applicable, number of limited partners: _____

Date of formation: _____
Jurisdiction of Formation: _____

Limited Liability Company/Partnership (number of members 6)

Date of Incorporation: August 26, 2013
State of Incorporation: New York

Sole Proprietorship

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If a foreign organization, is the applicant authorized to do business in the State of New York?

Yes No

APPLICANT'S COUNSEL

Name: David Gubits, Jacobowitz & Gubits, LLP

Address: 158 Orange Avenue, Walden NY 12586

Phone No.: 845-778-2121

Fax No.: 845-778-5173

II. PROJECT INFORMATION

- A) Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected.

Construction of a 133 unit 190 bed Assisted Living Residence with 105 Enhanced Assisted Living Resident (EALR) beds and 85 Special Needs Assisted Living Resident (Memory Care) beds. Building will include a commercial kitchen & dining facilities for residents, private dining for family gatherings, activity room(s) Library, computer dens, salon and multiple Living Rooms. Areas will also be provided for administrative offices, laundry, Maintenance and resident care.

- B) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

Town of New Windsor Planning Board 555 Union Ave New Windsor NY is expected to grant final site plan approval on November 13,2013. . See EAF (attached)

If any of the above persons, or a group of them, owns more than a 50% interest in the company, list all other organizations which are related to the company by virtue of such persons having more than a 50% interest in such organizations.

No individual or entity owns more than 50%
or -NONE-

Is the company related to any other organization by reason of more than 50% common ownership? If so, indicate name of related organization and relationship.

No

Has the company (or any related corporation or person) made a public offering or private placement of its stock within the last year? If so, please provide offering statement used.

No

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Project Data

1. Project site (land)

(a) Indicate approximate size (in acres or square feet) of project site.

Site is 6.8 acres using 4.0 for this resident facility.

The building will be approximately 117,000 (+/-) square feet

(b) Are there buildings now on the project site?

Yes_ No

(c) Indicate the present use of the project site.

Duffy's golf rangeputting greens, miniature golf and batting cages

(d) Indicate relationship to present user of project.

none

2. Does the project involve acquisition of an existing building or buildings? If yes, indicate number, size and approximate age of buildings:

900 sq ft building used for storage & operations of driving range buiding is 20 years old

3. Does the project consist of the construction of a new building or buildings? If yes, indicate number and size of new buildings:

Yes. Existing structure to be demolished and construction of a 133 unit Assisted

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation:

No. Current structure is to be removed

5. What will the building or buildings to be acquired, constructed or expanded be used for by the company? (Include description of products to be manufactured, assembled or processed, and services to be rendered. . .

Building will provide 133 residential living units and supportive areas

. . .including the percentage of building(s) to be used for office space and an estimate of the percentage of the functions to be performed at such office not related to the day-to-day operations of the facilities being financed.)

13%Admin&Support, 28%Common, 60%Residential all space used used in operations

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6. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

70,395 sqft (133 Units) leased to seniors w/ use all common areas w/ safety restrictions

7. List principal items or categories of equipment to be acquired as part of the project.

Building will include residential & common area furnishings for 133 units (+/-) and include a commercial kitchen, dining room, laundry, office, maintenance equipment

8. Has construction work on this project begun?

Complete the following

(a) site clearance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	% complete
(b) foundation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	% complete
(c) footings	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	% complete
(d) steel	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	% complete
(e) masonry work	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	% complete
(f) other (describe below)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	% complete

9. Will any of the funds borrowed through the Agency be used for refinancing?

No

10. Is a purchaser for the bonds in place? We are working with Stifel Nicolaus & Company as underwriter for the development

COST BENEFIT ANALYSIS:

	<u>Costs =</u> <u>Financial Assistance</u>	<u>Benefits =</u> <u>Economic Development</u>	
Estimated Sales Tax Exemption	\$ <u>960,000.00</u>	New Jobs Created	<u>110</u>
		Existing Jobs Retained	<u>0</u>
Estimated Mortgage Tax Exemption	\$ <u>336,000.00</u>	Private Funds invested	<u>\$ 8,000,000.00</u>
		Other Benefits	<u>\$</u>
Estimated Property Tax Abatement	\$ <u>1,964,000</u>	Expected Yearly Payroll	<u>\$ 4000000</u>
Estimated Interest Savings IRB Issue	\$ <u>2,000,000.00</u>	Expected Gross Receipts	<u>\$ 12,000,000</u>

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B) Project Address: 139 Windsor Highway, Newburgh NY 12553

Tax Map Number section 9 block 1 lot 25.21
(Section/Block/Lot)

Located in City of: _____
 Located in Village of: _____
 Located in Town of: New Windsor
 School District of: Newburgh Central School District

C) Are utilities on site?

Water Yes No Electric Yes No
 Gas Yes No Sanitary/Storm Sewer Yes No

D) Present legal owner of the site: _____
 If other than from applicant, by what means will the site be acquired for this project?
Mainhill & Comp PO Box 2544 Newburgh NY 12550 - Purchase Contract in place

E) Zoning of Project Site: Current: Res 1 Proposed: _____

F) Are any variances needed? No

G) Principal use of project upon completion: Assisted Living

H) Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another? Yes No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York? Yes No

I) Estimate how many construction/permanent jobs will be created or retained as a result of this project and the estimated annual salary range:

	<u>Number of jobs created</u>		<u>Estimated Annual Salary Range</u>
Construction:	<u>200</u>	\$	<u>25,000</u> to \$ <u>100,000</u>
Permanent	<u>110</u>	\$	<u>20,000</u> to \$ <u>120,000</u>
Retained	<u>0</u>	\$	_____ to \$ _____

J) Financial Assistance being applied for:

	<u>Estimated Value</u>
<input checked="" type="checkbox"/> Real Property Tax Abatement	\$ <u>1,964,000.00</u>
<input checked="" type="checkbox"/> Mortgage Tax Exemption	\$ <u>336,000.00</u>
<input checked="" type="checkbox"/> Sales and Use Tax Exemption	\$ <u>960,000</u>
<input checked="" type="checkbox"/> Issuance by the Agency of Tax Exempt Bonds	\$ <u>2,000,000.00</u>

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K) Project Costs (Estimates)

Land	3,990,000.00
Building	\$19,150,621.00
Equipment	\$1,200,000.00
Soft costs	\$8,649,129.00
Other	\$6,767,727.00
Total	\$39,757,477.00

III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JPTA") in which the project is located.
- B. First Consideration for Employment In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Fillings In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- F. Absence of Conflicts of Interest The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of

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the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

CNW Real Estate, LLC

by Fred Straub
(Applicant Signature)

Fred Straub
(Name of Officer)

MANAGING MEMBER
(Title)

This Application should be submitted to the Orange County Industrial Development Agency, c/o James O'Donnell, Executive Director, Orange County Government Center, 255 Main Street, Goshen, NY 10924 Tel: (845) 291-2700.

The Agency will collect an administrative fee at the time of closing.
SEE ATTACHED FEE SCHEDULE (page 10)

Bond Counsel
CHARLES SCHACHTER, ESQ./
RUSSELL GAENZLE, ESQ.
Harris Beach PLLC
99 Gamsey Road
Pittsford, New York 14534
Tel: (585) 419-8633
Fax: (585) 419-8817

Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

Attach the following Financial Information of the Company

1. Financial statements for last two fiscal years (unless included in company's Annual Reports).
2. Company's annual reports (or Form 10-K's) for the two most recent fiscal years.

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- 3. Quarterly reports (Form 10Q's) and current reports (Form 8-K's) since the most recent Annual Report, if any.
- 4. In addition, please attach the financial information described above in items 1, 2 and 3 of any expected Guarantor of the proposed bond issue, if different from the company.

HOLD HARMLESS AGREEMENT

Applicant hereby releases the ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.

CNW Real Estate, LLC

(Applicant Signature)

By: *Fred Straub*
Name: Fred Straub
Title: MANAGING MEMBER

David B. Gubits
(Notary Public)

Sworn to before me this 6th day
of November, 2013

David B. Gubits
DAVID B. GUBITS #1596925
Notary Public, State of New York
Qualified in Ulster County
Commission Expires November 30, 2013

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***FEE SCHEDULE FOR THE
ORANGE COUNTY IDA IS AS FOLLOWS:***

IDA

One-percent of the first \$2,000,000 plus one-half percent of amount above that, due at closing.*

Application Fee

\$5,000 non-refundable, due at application, broken down as follows:

IDA Administrative Fee: \$2,500

IDA Bond Counsel Fee: \$12,000-15,000 for straight lease transactions; fee for Tax-exempt transactions to be quoted depending on complexity of deal. \$2,500 due at application and balance due at closing for all deals.

NOTE: IDA reserves the right to seek additional IDA and Bond Counsel fees for exceptionally complex transactions.

Please make all Checks payable to:

Orange County Industrial Development Agency

Mail to:

*255 Main Street
Goshen, New York 10924*

*In the event that an applicant does not seek or does not qualify for the IDA's enhanced PILOT or the equivalent of the State's 485-b program, the fee will be a straight one-half percent (0.5%) of the IDA financing benefits provided to the project cost.

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Labor Policy

Adopted May 18, 2006, it is the Labor Policy of the Orange County Industrial Development Agency to *encourage* all companies availing themselves of IDA benefits to use local workforce and pay prevailing wages on their project where possible.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Crestmoore at New Windsor

Name of Action

Town of New Windsor Planning Board

Name of Lead Agency

Genaro Argenio

Planning Board Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

June 17, 2013

Date

website

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Crestmoore at New Windsor

Location of Action (include Street Address, Municipality and County)

139 Windsor Highway , New Windsor , Orange County, New York

Name of Applicant/Sponsor Mr. Jay Hopeck

Address The Pike Company 210 Clifton Corporate Park

City / PO Clifton Park State New York Zip Code 12065

Business Telephone 518-371-5900 Ext.3304

Name of Owner (if different) Mr. Jay Tuthill of Mainhill and Company LLC

Address 999 Riverview Drive

City / PO Totowa State N.J. Zip Code 07512

Business Telephone 862-757-4200

Description of Action:

The applicant is proposing a 138 bed assisted care facility which will be utilized for the care of alzheimer/dementia patients and others suffering from forms of memory disorder. The proposed assisted living facility will provide for twenty-four hour on-site medical monitoring and personal care services including daily food service , case management services and the development of an individualized service plan for each resident. The facility will be licensed by the State of New York in accordance with the requirements set forth in the Public Health Law Article 46-B, and provides services to people of all ages. It is anticipated that this facility will obtain an enhanced assisted living certificate that will permit a resident to remain in the facility as long as the facility is able to accommodate the resident's current and changing needs: and to include a safe unit for individuals suffering from forms of memory disorder , including Alzheimer's Disease.

The facility will employ approximately 100 full-time equivalents spread over four shifts and seven days a week. The dining room staff operate on a 7-day a week schedule , two shifts per day. The administrative and maintenance staff operate on a 5-day a week schedule , one shift per day. The health care staff operate on a 7-day a week schedule , three shifts per day.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: 6.8 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>1.66</u> acres	<u>1.27</u> acres
Forested	<u>0.00</u> acres	<u>0.00</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0.00</u> acres	<u>0.00</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0.00</u> acres	<u>0.00</u> acres
Water Surface Area	<u>0.00</u> acres	<u>0.29</u> acres
Unvegetated (Rock, earth or fill)	<u>0.00</u> acres	<u>0.00</u> acres
Roads, buildings and other paved surfaces	<u>0.72</u> acres	<u>2.04</u> acres
Other (Indicate type) <u>Lawns , open space</u>	<u>4.42</u> acres	<u>3.20</u> acres

3. What is predominant soil type(s) on project site? Mardin gravelly silt loam

- a. Soil drainage: Well drained 72 % of site Moderately well drained 21 % of site.
 Poorly drained 7 % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0.00 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock 15 to 20 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 98 % 10- 15% 2 % 15% or greater 0 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 15 to 20 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

A letter dated April 8, 2013 from NYSDEC states that there are no records of rare or state listed animals or plants on the site.

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

The site is presently utilized as a commercial for-profit driving range and putting green.

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

There are no apparent streams contiguous or within the project area.

a. Name of Stream and name of River to which it is tributary

N/A

16. Lakes, ponds, wetland areas within or contiguous to project area:

N/A

b. Size (in acres):

N/A

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 6.80 acres.
- b. Project acreage to be developed: 4.10 acres initially; 4.10 acres ultimately.
- c. Project acreage to remain undeveloped: 2.70 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 30; proposed 73
- g. Maximum vehicular trips generated per hour: 3.61 (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Ultimately	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

- i. Dimensions (in feet) of largest proposed structure: 35 height; 60 width; 440 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 383.82 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0.00 tons/cubic yards.

3. Will disturbed areas be reclaimed Yes No N/A

a. If yes, for what intended purpose is the site being reclaimed?

The site will be reclaimed for building lawn and some passive recreation areas.

b. Will topsoil be stockpiled for reclamation? Yes No

c. Will upper subsoil be stockpiled for reclamation? Yes No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.00 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 18 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 1 (number)

b. Anticipated date of commencement phase 1: 9 month 2013 year, (including demolition)

c. Approximate completion date of final phase: 6 month 2016 year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 76; after project is complete 100

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount N/A

b. Name of water body into which effluent will be discharged N/A

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? 17.80 tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name Rte. 17K Transfer Sta; location Newburgh, New York

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? N/A tons/month.

b. If yes, what is the anticipated site life? N/A years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

The building will be designed as a green building with high efficiency heating plant and air conditioning system along with star energy appliances and light fixtures. The building will be more energy efficient than the existing structures near the site.

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 12,420 gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

The project is intended to receive Orange County Industrial Development funds.

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Site Plan Approval</u>	<u>August 2013</u>
			<u>Town of New Windsor</u>	_____
			<u>Sewer and Water Permits.</u>	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Orange County Planning</u>	<u>July 2013</u>
			<u>Review</u>	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>NYSDOT Horizontal</u>	<u>September</u>
			<u>boring permit.</u>	<u>2013</u>
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

HC Highway Commercial

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

138 bed assisted care facility.

4. What is the proposed zoning of the site?

HC Highway Commercial

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

HC Highway Commercial within a 1/4 mile of the site.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

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

Applicant/Sponsor Name Charles P. May RLA Date 06/17/13

Signature *S/ Charles P. May*

Title President/CEO Charles P. May & Associates P. C.

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

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be any impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| <ul style="list-style-type: none"> • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
 NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
 NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • 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 major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

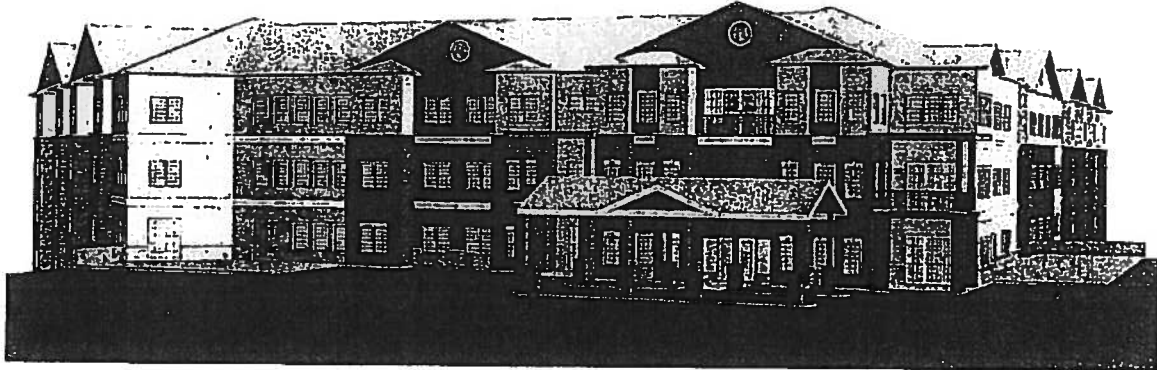
To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact

PROPOSED SUBJECT RENDERING

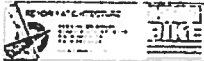
Crestmoore @ New Windsor

ASSISTED LIVING / SPECIAL NEEDS ASSISTED LIVING FACILITY



DOH DRAWING LIST

- 1 PROPOSED
- 2 EXTERIOR ELEVATION RENDERING
- 3 CONCEPT PLAN
- 4 FIRST FLOOR PLAN
- 5 SECOND FLOOR PLAN
- 6 THIRD FLOOR PLAN
- 7 LANDSCAPE PLAN



NEW WINDSOR @ CRESTMOORE ASSISTED LIVING FACILITY

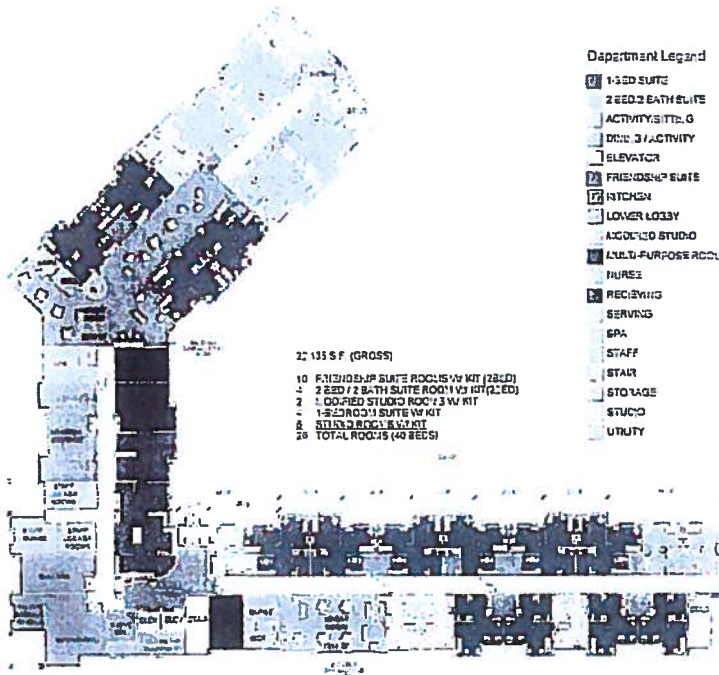
1/15/2015 - 1/15/2015

EXTERIOR ELEVATION RENDERING

1

PROPOSED FLOOR PLANS

(Lower Level)



Department Legend

- 1-1 BED SUITE
- 2-2 BED/2 BATH SUITE
- ACTIVITY/SITTING
- DINING/ACTIVITY
- ELEVATOR
- FRIENDSHIP SUITE
- KITCHEN
- LOWER LOBBY
- ACCESSED STUDIO
- MULTI-PURPOSE ROOM
- NURSE
- RECEIVING
- SERVING
- SPA
- STAFF
- STAIR
- STORAGE
- STUDIO
- UTILITY

22,135 SF (GROSS)

- 10 FRIENDSHIP SUITE ROOMS W/ KIT (2BED)
- 4 2 BED / 2 BATH SUITE ROOM W/ KIT (2BED)
- 2 COOPED STUDIO ROOM / 3 W/ KIT
- 2 1-BED ROOM SUITE W/ KIT
- 8 STUDIO ROOM SUITE W/ KIT
- 26 TOTAL ROOMS (40 BEDS)

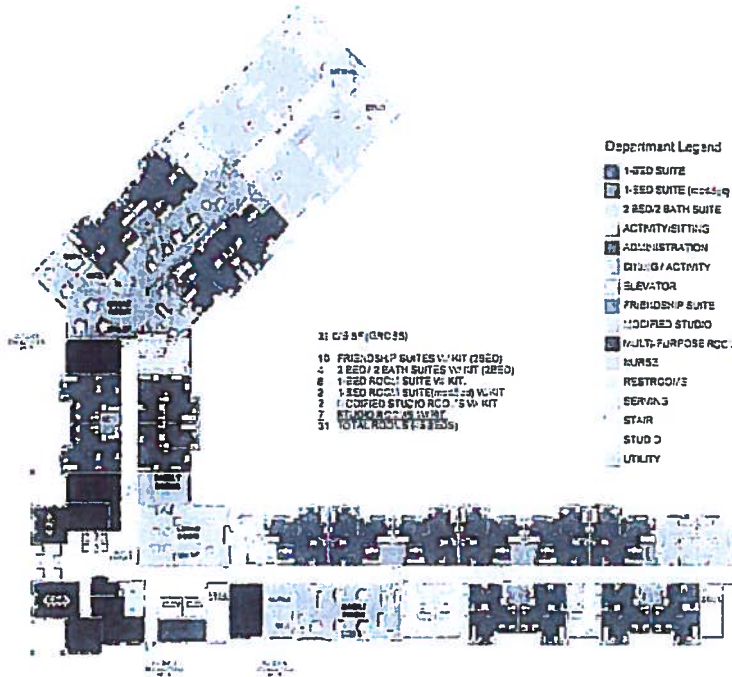


CRESTMORE @ NEW WINDSOR
 SPECIAL NEEDS ASSISTED LIVING / ASSISTED LIVING
1521 608-8811-1111

LOWER LEVEL PLAN

PROPOSED SUBJECT FLOOR PLANS

(First Floor)

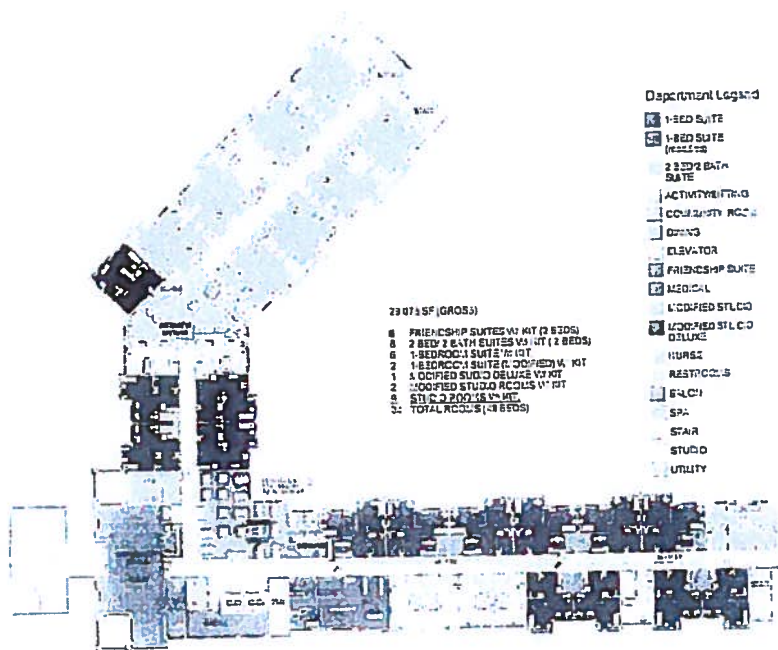


CRESTMORE @ NEW WINDSOR
ASSISTED LIVING & SPECIAL NEEDS ASSISTED LIVING

FIRST FLOOR (LOBBY) PLAN

PROPOSED SUBJECT FLOOR PLANS

(Second Floor)



22,973 SF (GROSS)

- 8 FRIENDSHIP SUITES W/ KIT (2 BEDS)
- 8 2 BED 2 BATH SUITES W/ KIT (2 BEDS)
- 6 1-BEDROOM SUITES W/ KIT
- 2 1-BEDROOM SUITES (MODIFIED) W/ KIT
- 1 MODIFIED STUDIO DELUXE W/ KIT
- 2 MODIFIED STUDIO ROOMS W/ KIT
- 6 STUDIO ROOMS W/ KIT
- 3: TOTAL ROOMS (18 BEDS)

Department Legend

- 1-BED SUITE
- 1-BED SUITE (MODIFIED)
- 2-BED 2-BATH SUITE
- ACTIVITY/RECREATION
- COMMUNITY ROOM
- OFFICE
- ELEVATOR
- FRIENDSHIP SUITE
- MEDICAL
- MODIFIED STUDIO
- MODIFIED STUDIO DELUXE
- NURSE
- RESTROOMS
- STORAGE
- SPA
- STAIR
- STUDIO
- UTILITY

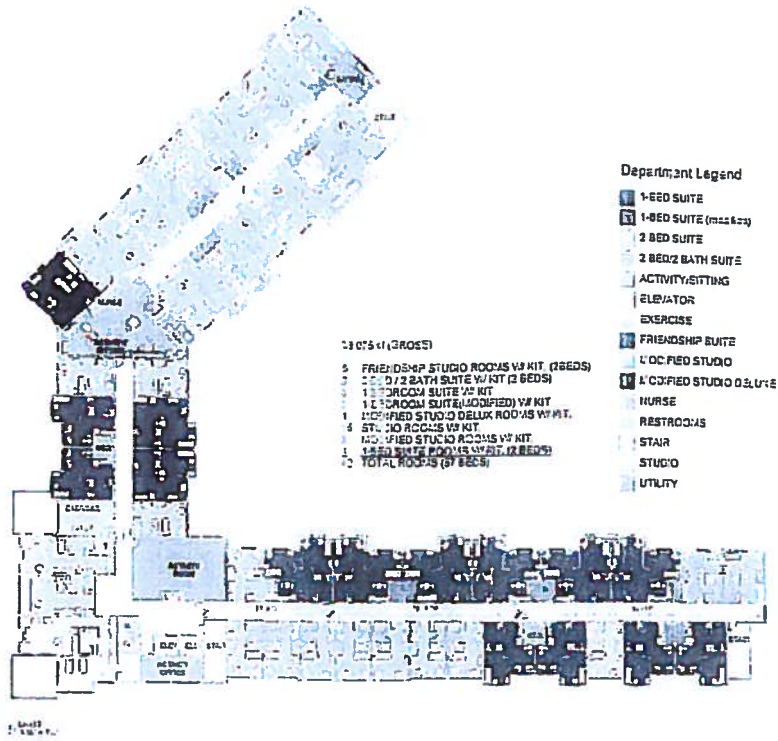


CRESTMORE @ NEW WINDSOR
SPECIAL NEEDS ASSISTED LIVING / ASSISTED LIVING
1234 - 2024-01

SECOND FLOOR PLAN

PROPOSED SUBJECT FLOOR PLANS

(Third Floor)



CRESTMORE @ NEW WINDSOR
SPECIAL NEEDS ASSISTED LIVING / ASSISTED LIVING

THIRD FLOOR PLAN

DATE: 10/12/10



OFFICE FOR THE AGING

Edward A. Diana
County Executive

Ann Marie Maglione
Director

October 22, 2013

Mr. Fred Straub
Crestmoore at New Windsor LLC
21 Carmel Heights
Wappingers Falls, NY 12590

Re: Request for Assisted Living Beds

Dear Mr. Straub:

We are writing today to offer our support for your application for the development of Assisted Living beds in the County of Orange. The application submitted by Crestmoore Living, to be located in New Windsor, New York would fill an important gap in our long-term care service delivery system.

Our Long-Term Care Council has identified the need for assisted living beds in the County of Orange. This need was recently identified in our Strategic Gaps analysis conducted by the Long Term Care Council (POE). We are confident that Crestmoore Living will provide high quality services to our residents.

We applaud the efforts of the New York State Department of Health in defining the need for assisted living beds and welcome the opportunity to work closely with Crestmoore Living in filling this unmet need. We would encourage you to reach out to us during your decision making process, as our Long Term Care Council continues to define the local need.

Thank you for allowing the Department of Social Services to voice our support for your application. If we can be of any assistance, please do not hesitate to contact me in the future.

Sincerely,

Ann Marie Maglione
Director

AMM:ls



Edward A. Diana
County Executive

DEPARTMENT OF SOCIAL SERVICES



David Jolly
Commissioner
Box Z, Quarry Road
Goshen, NY 10924
TEL (845) 291-4000 FAX (845) 291-4338
www.orangecountygov.com

October 15, 2013

Mr. Fred Straub
Crestmoore at New Windsor LLC
21 Carmel Heights
Wappingers Falls, NY 12590

Re: Request for Assisted Living Beds

Dear Mr. Straub,

We are writing today to offer our support for your application for the development of Assisted Living beds in the County of Orange. The application submitted by Crestmoore Living, to be located in New Windsor, NY would fill an important gap in our long-term care service delivery system.

Our Long-Term Care Council has identified the need for assisted living beds in the County of Orange. This need was recently identified in our Strategic Gaps analysis conducted by the Long Term Care Council (POE). While other providers are also considering an application for the development of this type of care, our need at this time outweighs the level of interest. We are confident that Crestmoore Living will provide high quality services to our residents.

We applaud the efforts of the New York State Department of Health in defining the need for assisted living beds and welcome the opportunity to work closely with Crestmoore Living in filling this unmet need. We would encourage you to reach out to us during your decision making process, as our Long Term Care Council continues to define the local need.

Thank you for allowing the Department of Social Services to voice our support for your application. If we can be of any assistance, please do not hesitate to contact me in the future.

Sincerely,

David Jolly
Commissioner

Motion By: _____
Seconded By: _____

INITIAL RESOLUTION
(CNW Real Estate LLC Project)

A regular meeting of the Orange County Industrial Development Agency was held on November 20, 2013 at 3:00 p.m. (local time) at Orange County Business Accelerator, 4 Crotty Lane, New Windsor, New York 12553.

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a proposed project for the benefit CNW Real Estate LLC, for itself or an entity formed or to be formed (collectively, the "Company").

RESOLUTION OF THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF CNW REAL ESTATE LLC, WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO SUCH PROJECT, AND (iii) AUTHORIZING A PUBLIC HEARING IN COMPLIANCE WITH THE ACT

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 390 of the Laws of 1972 of the State of New York, (collectively, The "Act"), the **ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called the "Agency") was created with the authority and power and for the purpose of, among other things, acquiring, constructing, reconstructing and equipping manufacturing, warehousing, research, commercial or industrial facilities as authorized by the Act; and

WHEREAS, **CNW REAL ESTATE LLC**, a New York limited liability company, for itself or on behalf of an entity formed or to be formed (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Company of title to or other interest in an aggregate approximately 6.80-acre parcel of land located at 139 Windsor Highway (Tax Map ID No. 9-1-25.21) in the Town of New Windsor, Orange County, New York (the "Land"); (B)(i) the demolition of the approximately 900 square-foot building, putting greens, miniature golf and batting cages currently existing on the Land and (ii) the construction on the Land of an approximately 117,325 square-foot assisted living residence for persons in need of assistance with daily living and persons in need of memory care through a special therapeutic program and shall include, but not be limited to, 133 residential living units, common areas for exercise, group and individual activities, a salon/barber shop and a library, together with supportive areas and office/operational space (collectively, the "Improvements"); (C) the acquisition and installation in and around the Improvements of certain machinery, appliances, equipment and other items of tangible personal property including, but not limited to, beds, tables, sofas, lamps, exercise equipment, activity supplies, kitchen equipment, linens and an on-

site vehicle to provide residents transportation to doctors' appointments (collectively, the "Equipment" and, collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law, the Agency desires to adopt a resolution describing the Project and the financial assistance that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate an agent agreement (the "Agent Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of acquiring, constructing and equipping the Facility (the "Agent Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement") and payment-in-lieu-of-tax agreement (the "PILOT Agreement"), (iii) take title to, or a leasehold interest in, the Land, the Improvements, the Equipment and personal property constituting the Facility (once the Lease Agreement, Leaseback Agreement and PILOT Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility, (b) a partial abatement of the real property taxes assessable against the Facility pursuant to the terms of a PILOT Agreement, and (c) if necessary, a mortgage recording tax exemption for financing or re-financing related to the Project (collectively, the "Financial Assistance"), the terms of which Financial Assistance may deviate from the Agency's uniform tax exemption policy.

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

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Orange County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant

of the Facility located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

Section 2. The Chairman, Vice Chairman and/or the Executive Director of the Agency are hereby authorized, on behalf of the Agency, to hold a public hearing in compliance with the Act and negotiate the terms of (a) an Agent Agreement, pursuant to which the Agency appoints the Company as its agent to undertake the Project, (b) a Lease Agreement, pursuant to which the Company leases the Facility to the Agency, (c) a related Leaseback Agreement, pursuant to which the Agency conveys its interest in the Facility back to the Company, (d) the PILOT Agreement, and (e) related documents; *provided*, the provisions of the Agent Agreement and the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project.

Section 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. The Agency further authorizes the Chairman, Vice Chairman and/or the Executive Director and counsel to the Agency, if necessary under current law, to commence procedures for deviation from the Agency's uniform tax exemption policy in connection with Section 874 of the Act, including, but not limited to, the mailing of notice of such deviation to each affected taxing jurisdiction.

Section 6. These Resolutions shall take effect immediately.

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Robert T. Armistead				
Mary Ellen Rogulski				
Russell O. Vernan				
Stephen Brescia				
John Steinberg, Jr.				
Henry VanLeeuwen				
Robert J. Schreibeis, Sr.				

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

I, the undersigned [Assistant] Secretary of the Orange County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the foregoing extract of the minutes of the meeting of the Orange County Industrial Development Agency (the "Agency") including the resolution contained therein, held on November 20, 2013, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with Article 7.

I FURTHER CERTIFY that 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Agency this _____ day of November, 2013.

_____, [Assistant] Secretary

**ORANGE COUNTY
INDUSTRIAL
DEVELOPMENT
AGENCY**

**APPLICATION FOR
FINANCIAL ASSISTANCE**

CRH Realty VIII, LLC

(Applicant Name)

**Robert T. Armistead
Chairman**

Orange County Business Accelerator
4 Crotty Lane, Suite 100
New Windsor, NY 12553

Phone: 845-234-4192 Fax: 845-220-2228

www.orangecountygov.com/ida

Updated June 2013

**ORANGE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: CRH Realty VIII, LLC

Mailing Address: 155 Crystal Run Road, Middletown, NY

Phone No.: (845) 703-6408

Fax No.: (845) 796-5822

Fed Id. No.: 46-4045810

Contact Person: Dr. Hal Teitelbaum, Dr. Michelle A. Koury

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Corporate Structure (*attach schematic if applicant is a subsidiary or otherwise affiliated with another entity*)

Form of Entity

Corporation

Date of Incorporation: _____
State of Incorporation: _____

Partnership

General _____ or Limited _____
Number of general partners _____
If applicable, number of limited partners _____

Date of formation _____
Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 2)

Date of organization: 11/04/2013
State of Organization: New York

Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York? _____

APPLICANT'S COUNSEL

Name: Dominic Cordisco, Esq.

Address: 555 Hudson Valley Ave., Suite 100, New Windsor, NY

Phone No.: (845) 561-0550

Fax No.: (845) 561-1235

II. PROJECT INFORMATION

A) Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected.

Acquisition of an interest in a parcel of land, approximately 8.1 +/- acres in size, on Union Avenue (NYS Route 300) in the Town of Newburgh. Construction thereon of an approximate 65,000 square foot medical office building and the installation thereon of various equipment, machinery, and personal property.

B) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

Environmental Assessment Form attached. The Town of Newburgh Planning Board is Lead Agency for SEQRA and will be issuing a site plan determination.

If any of the above persons, or a group of them, owns more than a 50% interest in the company, list all other organizations which are related to the company by virtue of such persons having more than a 50% interest in such organizations.

N/A

Is the company related to any other organization by reason of more than 50% common ownership? If so, indicate name of related organization and relationship.

CRYSTAL RUN HEALTHCARE LLP, CRYSTAL RUN AMBULATORY SURGERY CENTER, LLC, CRH REALTY VII, CRH REALTY IV, CRH REALTY VI, CRH REALTY III

Has the company (or any related corporation or person) made a public offering or private placement of its stock within the last year? If so, please provide offering statement used.

N/A

Project Data

1. Project site (land)

(a) Indicate approximate size (in acres or square feet) of project site.

8.1 +/- Acres

(b) Are there buildings now on the project site?

X Yes No

(c) Indicate the present use of the project site.

Vacant land, vacant buildings.

(d) Indicate relationship to present user of project.

None

2. Does the project involve acquisition of an existing building or buildings? If yes, indicate number, size and approximate age of buildings:

No – buildings on site to be demolished.

3. Does the project consist of the construction of a new building or buildings? If yes, indicate number and size of new buildings:

Yes – one 65,000 square foot, 3-story building.

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation:

No – new construction.

5. What will the building or buildings to be acquired, constructed or expanded be used for by the company? (Include description of products to be manufactured, assembled or processed, and services to be rendered. . .

Medical Office Building.

. . .including the percentage of building(s) to be used for office space and an estimate of the percentage of the functions to be performed at such office not related to the day-to-day operations of the facilities being financed.)

The entire building (100%) will be used as a medical office space and all operations conducted within such space will be related to the day-to-day operations of the medical office building being financed.

6. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

N/A

7. List principal items or categories of equipment to be acquired as part of the project.

Laboratory equipment, radiological equipment, information technology, other diagnostic equipment and other furniture, fixtures and equipment necessary to operate a medical office building

8. Has construction work on this project begun? **No**

Complete the following

- | | | | |
|----------------------------|-----------|-------------|---------------------|
| (a) site clearance | _____ Yes | <u>X</u> No | <u>0</u> % complete |
| (b) foundation | _____ Yes | <u>X</u> No | <u>0</u> % complete |
| (c) footings | _____ Yes | <u>X</u> No | <u>0</u> % complete |
| (d) steel | _____ Yes | <u>X</u> No | <u>0</u> % complete |
| (e) masonry work | _____ Yes | <u>X</u> No | <u>0</u> % complete |
| (f) other (describe below) | _____ Yes | <u>X</u> No | <u>0</u> % complete |

9. Will any of the funds borrowed through the Agency be used for refinancing?

No

10. Is a purchaser for the bonds in place? N/A

COST BENEFIT ANALYSIS:

	<u>Costs =</u> <u>Financial Assistance</u>	<u>Benefits =</u> <u>Economic Development</u>
Estimated Sales Tax Exemption	\$ <u>1,051,922.63</u>	New Jobs Created <u>237</u>
		Existing Jobs Retained <u>20</u>
Estimated Mortgage Tax Exemption	\$ <u>186,027</u>	Private Funds invested \$ <u>26,137,850</u>
		Other Benefits _____
Estimated Property Tax Abatement	\$ <u>801,218</u>	Expected Yearly Payroll \$ <u>20,211,938</u>
Estimated Interest Savings IRB Issue	\$ _____	Expected Gross Receipts \$ <u>46,499,365</u>

B) Project Address: 1000-1006 Union Avenue, Newburgh, NY 12550

Tax Map Number Section 97, Block 3, Lots 6,7,8 & 28
(Section/Block/Lot)

Located in City of _____

Located in Town of Newburgh

Located in Village of _____

School District of Newburgh Enlarged City

C) Are utilities on site?

Water Yes Electric Yes

Gas Yes Sanitary/Storm Sewer Yes

D) Present legal owner of the site Regina C. Flannery individually and as executrix of the Estate of James J. Flannery, and Newburgh Town Center, LLC

If other than from applicant, by what means will the site be acquired for this project? Purchase

E) Zoning of Project Site: Current: IB Proposed: IB – Interchange Business

F) Are any variances needed? Yes, for height and accessory use

G) Principal use of project upon completion: Medical Office Building – outpatient care

H) Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another? No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York? No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York? No

I) Estimate how many construction/permanent jobs will be created or retained as a result of this project and the estimated annual salary range:


	<u>Number of jobs created</u>	<u>Estimated Annual Salary Range</u>
Construction:	<u>200</u>	<u>\$ 40,000 to \$ 120,000</u>
Permanent:	<u>237</u>	<u>\$ 40,000 to \$ 150,000</u>
Retained:	<u>20</u>	<u>\$ 40,000 to \$ 150,000</u>

J) Financial Assistance being applied for:

	<u>Estimated Value</u>
<u>X</u> Real Property Tax Abatement	<u>\$ 801,218</u>
<u>X</u> Mortgage Tax Exemption	<u>\$ 186,027</u>
<u>X</u> Sales and Use Tax Exemption	<u>\$ 1,051,923</u>
____ Issuance by the Agency of Tax Exempt Bonds	<u>\$</u>

- F. Absence of Conflicts of Interest The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.



(Applicant Signature)

Hal Teitelbaum, MD, JD, MBA

(Name of Officer)

Managing Member & CEO

(Title)

This Application should be submitted to the Orange County Industrial Development Agency, c/o Robert T. Armistead, Chairman, Orange County Business Accelerator, 4 Crotty Lane, Suite 100, New Windsor, NY 12553.

The Agency will collect an administrative fee at the time of closing.
SEE ATTACHED FEE SCHEDULE (page 10)

Bond Counsel
CHARLES SCHACHTER, ESQ./
RUSSELL GAENZLE, ESQ.
Harris Beach PLLC
99 Garnsey Road
Pittsford, New York 14534
Tel: (585) 419-8633
Fax: (585) 419-8817

Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

Attach the following Financial Information of the Company

1. Financial statements for last two fiscal years (unless included in company's Annual Reports).
2. Company's annual reports (or Form 10-K's) for the two most recent fiscal years.
3. Quarterly reports (Form 10Q's) and current reports (Form 8-K's) since the most recent Annual Report, if any.

4. In addition, please attach the financial information described above in items 1, 2 and 3 of any expected Guarantor of the proposed bond issue, if different from the company.

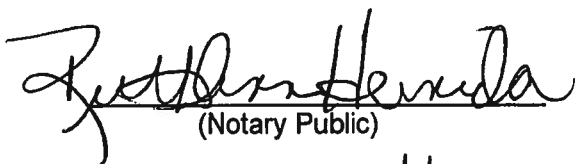
HOLD HARMLESS AGREEMENT

Applicant hereby releases the ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.



(Applicant Signature)

By: **CRH Realty VIII, LLC**
Name: **Hal Teitelbaum, MD, JD, MBA**
Title: **Managing Member & CEO**



(Notary Public)

Sworn to before me this 11 day
of November, 2013



RUTH ANN HERMIDA
Notary Public, State of New York
No. 01HE6044984
Qualified in Westchester County
Commission Expires Nov. 4 2014

**FEE SCHEDULE FOR THE ORANGE
COUNTY IDA IS AS FOLLOWS:**

IDA

One-percent of the first \$2,000,000 plus one-half percent of amount above that, due at closing.*

Application Fee

\$5,000 non-refundable, due at application, broken down as follows:

IDA Administrative Fee: \$2,500

IDA Bond Counsel Fee: \$12,000-15,000 for straight lease transactions; fee for Tax-exempt transactions to be quoted depending on complexity of deal. \$2,500 due at application and balance due at closing for all deals.

NOTE: IDA reserves the right to seek additional IDA and Bond Counsel fees for exceptionally complex transactions.

Please make all Checks payable to:

Orange County Industrial Development Agency

Mail to:

4 Crotty Lane

New Windsor, NY 12553

*In the event that an applicant does not seek or does not qualify for the IDA's enhanced PILOT or the equivalent of the State's 485-b program, the fee will be a straight one-half percent (0.5%) of the IDA financing benefits provided to the project cost.

Labor Policy

Adopted May 18, 2006, it is the Labor Policy of the Orange County Industrial Development Agency to *encourage* all companies availing themselves of IDA benefits to use local workforce and pay prevailing wages on their project where possible.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Crystal Run Healthcare Medical Office Building

Name of Action

Town of Newburgh Planning Board

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Crystal Run Healthcare Medical Office Building

Location of Action (include Street Address, Municipality and County)

1000-1006 (Union Avenue) NYS Route 300, Newburgh, Orange County, New York
Tax Parcels 97 - 3 - 1, 2, 6, 7, 8 & 26 Newburgh and 4 - 1 - 72.2 New Windsor

Name of Applicant/Sponsor CRH Realty VIII, LLC

Address c/o Columbia Development 302 Washington Avenue Extension

City / PO Albany State NY Zip Code 12203

Business Telephone 518-862-9133

Name of Owner (if different) Regina Flannery, The Old Little Britain Group, LLC, and Newburgh Town Center, LLC

Address see attached

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

Consolidation of five (5) adjoining tax parcels with lot line adjustments and the construction of a 65,250± square foot medical office building and related appurtenances on a combined 8.1± acre parcel located in the IB Interchange-Business Zoning District in the Town of Newburgh and a portion in the C - Design Shopping Zoning District in the Town of New Windsor. Tax Parcel 97-3-8 / 4-1-72.2 is bisected by the Municipal Boundaries of the Town of Newburgh and the Town of New Windsor.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: 8.5± acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0</u> acres	<u>0</u> acres
Forested	<u>0.9±</u> acres	<u>0</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0.</u> acres	<u>0</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>0</u> acres
Roads, buildings and other paved surfaces	<u>1.2±</u> acres	<u>4.9±</u> acres
Other (Indicate type) <u>lawn / vegetated areas</u>	<u>6.4±</u> acres	<u>3.6±</u> acres

3. What is predominant soil type(s) on project site? MdB (95±%) and ErB (5±%)

- a. Soil drainage: Well drained _____% of site Moderately well drained 95±% of site.
 Poorly drained 5±% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock > 5 (in feet) SCS

5. Approximate percentage of proposed project site with slopes:

- 0-10% 100% 10- 15% 0% 15% or greater 0%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 2 to > 5 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Terrestrial Environmental Specialists, Inc. See attached Wetland and Endangered Species Review

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

none

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

Lake Washington - adjoining parcel. City of Newburgh Water Supply

b. Size (in acres):

175± acres

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will Improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No _____

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 8.5± acres.
- b. Project acreage to be developed: 6.5± acres Initially; 6.5± acres ultimately.
- c. Project acreage to remain undeveloped: 2.0± acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, Indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; proposed 366
- g. Maximum vehicular trips generated per hour: 197 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|-----------------------------|-----------------------------|-----------------------------|
| Initially | <u>N/A</u> | <u> </u> | <u> </u> | <u> </u> |
| Ultimately | <u>N/A</u> | <u> </u> | <u> </u> | <u> </u> |
- i. Dimensions (in feet) of largest proposed structure: 40±' height; 149±' width; 149±' length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 1,280± ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0± tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- Lawn and landscaping
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 1.5± acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 12 months, (Including demolition)

7. If multi-phased:

a. Total number of phases anticipated N/A (number)

b. Anticipated date of commencement phase 1: N/A month _____ year, (including demolition)

c. Approximate completion date of final phase: N/A month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 50 ; after project is complete 200±

10. Number of jobs eliminated by this project 0 .

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount sanitary sewer

b. Name of water body into which effluent will be discharged City of Newburgh WWTP (Hudson River)

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? 10± tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name per Refuse Contractor ; location per Refuse Contractor

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

electric and gas

22. If water supply is from wells, indicate pumping capacity n/a gallons/minute. _____

23. Total anticipated water usage per day 6,525± gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Planning Board Lot Consolidation & Site Plan</u>	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Water Service Connection</u>	_____
			_____	_____
			_____	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>City of Newburgh</u>	_____
			<u>Wastewater Flow</u>	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>NYSDOT Highway Work Permit</u>	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, Indicate decision required:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input checked="" type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

IB Interchange Business
C Design Shopping (New Windsor)

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

6.5± acres lot coverage (commercial use)

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

shopping centers, professional offices, retail stores, restaurants
IB - Interchange Business (Town of Newburgh)
C - Commercial (Town of New Windsor)

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

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

Applicant/Sponsor Name John O'Rourke, P.E. Date Sept. 19, 2013

Signature 

Title Representative

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

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be any impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| <ul style="list-style-type: none"> • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	

- Construction or expansion of a sanitary landfill. Yes No
- Construction in a designated floodway. Yes No
- Other Impacts: Yes No

Construction of 65,000± SF office building and associated parking

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

- Specific land forms: Yes No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body. Yes No
- Dredging more than 100 cubic yards of material from channel of a protected stream. Yes No
- Extension of utility distribution facilities through a protected water body. Yes No
- Construction in a designated freshwater or tidal wetland. Yes No
- Other Impacts: Yes No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. Yes No
- Construction of a body of water that exceeds 10 acres of surface area. Yes No
- Other Impacts: Yes No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Increased impervious area due to building and parking lot, project is designed to provide water quality treatment in accordance with NYSDEC and Town of Newburgh MS4 requirements

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other Impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent Installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to Increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

• Other impacts:

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action Impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other Impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • 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 major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other Impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

Motion By: _____
Seconded By: _____

INITIAL RESOLUTION
(CRH Realty VIII, LLC Project)

A regular meeting of the Orange County Industrial Development Agency held on November 20, 2013 at 3:00 p.m. (local time) at the Orange County Business Accelerator, 4 Crotty Lane, New Windsor, New York 12553.

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a proposed project for the benefit of CRH Realty VIII, LLC (the "Company").

RESOLUTION (i) ACCEPTING THE APPLICATION OF CRH REALTY VIII, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT TO SUCH PROJECT AND (iii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO SUCH PROJECT.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 390 of the Laws of 1972 of the State of New York, (hereinafter collectively called the "Act"), the **ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called the "Agency") was created with the authority and power and for the purpose of, among other things, acquiring, constructing, reconstructing and equipping manufacturing, warehousing, research, commercial, or industrial facilities as authorized by the Act; and

WHEREAS, **CRH REALTY VIII, LLC** (the "Company"), for itself or on behalf of an entity to be formed, has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the acquisition by the Agency of a leasehold interest in an aggregate approximately 8.1±-acres of land located on Union Avenue (NYS Route 300) in the Towns of Newburgh and New Windsor, Orange County, New York (the "Land", being more particularly described as TMID Nos. 97-3-6, 97-3-7, 97-3-8, 97-3-26 and 4-1-72.2), (ii) the construction on the Land of an approximately 65,000 square foot three-story building and related improvements to be used by the Company and its tenants for office and related space (the "Improvements"); and (iii) the acquisition and installation in, on and around the Improvements of certain items of equipment and other tangible personal property including, but not limited to, HVAC systems, plumbing and electrical fixtures, elevators and office furniture (collectively, the "Equipment" and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law, the Agency desires to adopt a resolution describing the Project and the financial assistance that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate an agent agreement (the "Agent Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of acquiring, constructing and equipping the Facility, (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement") and a payment-in-lieu-of-tax agreement (the "PILOT Agreement"), (iii) take title to, or a leasehold interest in, the Land, the Improvements, the Equipment and personal property constituting the Facility (once the Lease Agreement, Leaseback Agreement and PILOT Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility, (b) a partial real property tax abatement structured within the PILOT Agreement, and (c) a mortgage recording tax exemption for financing or re-financing related to the Project (collectively the "Financial Assistance").

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

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Orange County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The Chairman, Vice Chairman and/or the Executive Director of the Agency are hereby authorized, on behalf of the Agency, to hold a public hearing in compliance with the Act and negotiate the terms of (A) an Agent Agreement, pursuant to which the Agency appoints the Company as its agent to undertake the Project, (B) a Lease Agreement, pursuant to which the Company leases the Facility to the Agency, (C) a related Leaseback Agreement, pursuant to which the Agency conveys its interest in the Facility back to the Company, (D) a PILOT Agreement, and (E) related documents; *provided*, the provisions of the Agent Agreement and the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project.

Section 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. These Resolutions 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:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Robert T. Armistead				
Mary Ellen Rogulski				
Russell O. Vernon				
Stephen Brescia				
John Steinberg, Jr.				
Henry VanLeeuwen				
Robert J. Schreibeis, Sr.				

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

I, the undersigned [Assistant] Secretary of the Orange County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the foregoing extract of the minutes of the meeting of the Orange County Industrial Development Agency (the "Agency") including the resolution contained therein, held on the 20th day of November, 2013, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with Article 7.

I FURTHER CERTIFY that 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Agency this _____ day of November, 2013.

_____, [Assistant] Secretary