



Empowering Businesses. Inspiring Growth.

APPLICATION FOR FINANCIAL ASSISTANCE

JCA Hospitality, 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.ocnyida.com
business@ocnyida.com

Updated July 2014

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: JCA Hospitality, LLC

Mailing Address: PO Box 279 New Hampton, NY 10958

Phone No.: 845-341-7395

Fax No.: 855-341-7395

Fed Id. No.: 45-4484181

Contact Person: Chetan Patel

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

Chetan Patel 50%
Jacob Kriney 50%

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: 12/17/12
State of Organization: Connecticut

☐ Sole Proprietorship

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

APPLICANT'S COUNSEL

Name: Tom Clarke

Address: 34 Grove Street Middletown, NY 10940

Phone No.: 845-343-3000

Fax No.: 845-343-3866

II. PROJECT INFORMATION

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

Construction of a 95 unit Home2 Suites by Hilton for a total cost of \$10,000,000 including all soft costs, land, construction, and FF&E costs.

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.

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.

n/a

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

Project Data

1. Project site (land)

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

2.1+/-

- (b) Are there buildings now on the project site? ☒ Yes ☐ No

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

Abandoned Town Hall Building

- (d) Indicate relationship to present user of project.

No relation. Site presently unoccupied

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

Existing building to be razed

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

Yes, new hotel with 95 guest rooms approx. 64,000 s/f

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

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. . .

Hotel

. . .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.)

none

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

8. Has construction work on this project begun? No

| | | | |
|----------------------------|-----------|------------|------------------|
| (a) site clearance | _____ Yes | _____ x No | _____ % complete |
| (b) foundation | _____ Yes | _____ x No | _____ % complete |
| (c) footings | _____ Yes | _____ x No | _____ % complete |
| (d) steel | _____ Yes | _____ x No | _____ % complete |
| (e) masonry work | _____ Yes | _____ x No | _____ % complete |
| (f) other (describe below) | _____ Yes | _____ x No | _____ % complete |

- No funds being borrowed

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

| | <u>Costs =</u> <u>Financial Assistance</u> | <u>Benefits =</u> <u>Economic Development</u> |
|--------------------------------------|---|--|
| Estimated Sales Tax Exemption | \$ <u>690,000</u> | New Jobs Created <u>24</u> |
| | | Existing Jobs Retained <u>0</u> |
| Estimated Mortgage Tax Exemption | \$ <u>85,000</u> | Private Funds invested <u>\$ 1,700,000</u> |
| Estimated Property Tax Abatement | \$ <u>0</u> | Other Benefits <u></u> |
| Estimated Interest Savings IRB Issue | \$ <u></u> | Expected Yearly Payroll <u>\$ 600,000</u> |
| | | Expected Gross Receipts <u>\$ 5,000,000</u> |

B) Project Address: 600 Rt 211 Middletown, NY 10941 _____

Tax Map Number 41-1-60.21
(Section/Block/Lot)

Located in City of _____

Located in Town of Wallkill

Located in Village of _____

School District of Pine Bush

C) Are utilities on site?

Water yes Electric yes
Gas yes Sanitary/Storm Sewer yes

D) Present legal owner of the site Town of Wallkill
If other than from applicant, by what means will the site be acquired for this project? Purchase

E) Zoning of Project Site: Current: TC _____ Proposed: TC _____

F) Are any variances needed? Yes, variances granted

G) Principal use of project upon completion: hotel

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:

| | Number of jobs created | Estimated Annual Salary Range |
|---------------|------------------------|---------------------------------------|
| Construction: | <u>225</u> | \$ <u>36,000</u> to \$ <u>120,000</u> |
| Permanent: | <u>24</u> | \$ <u>24,000</u> to \$ <u>90,000</u> |
| Retained: | <u>0</u> | \$ _____ to \$ _____ |

J) Financial Assistance being applied for:

| | Estimated Value |
|--|-----------------|
| <u>Real Property Tax Abatement</u> Please indicate the term of the PILOT: _____ Years | \$ _____ |
| X <u>Mortgage Tax Exemption</u> Please provide the Mortgage Amount: <u>\$ 8,500,000</u> | \$ 85,000 |
| X <u>Sales and Use Tax Exemption</u> Amount of Goods & Services to be purchased: \$ _____ | \$ 690,000 |

| | |
|--|----|
| Issuance by the Agency of Tax Exempt Bonds | \$ |
| Project Costs (Estimates) | |

| | |
|------------|----------------|
| Land | \$ 1,600,000 |
| Building | 6,600,000 |
| Equipment | 1,500,000 |
| Soft costs | 200,000 |
| Other | <u>100,000</u> |

| | |
|--------------|----------------------|
| Total | \$ 10,000,000 |
|--------------|----------------------|

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) ("JTPA") 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 JTPA 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 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)

Chetan Patel

(Name of Officer)

Managing Member

(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: JCA Hospitality, LLC

Name: Chetan Patel

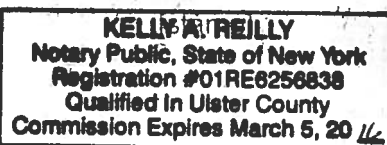
Title: Managing Member



(Notary Public)

Sworn to before me this 3rd day

of June, 2015



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

Application Fee:

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

IDA Administrative Fee: \$2,500

IDA Transaction/Bond Counsel Fee: \$2,500

Closing Fee:

IDA Fee

One-percent of the first \$2,000,000 of the project cost (as identified on page 7 of this application), plus one-half percent of amount above that, due at closing.*

IDA Bond Counsel Fee

Balance due to be determined based on Project and overall structure (typically \$25,000 to \$35,000 plus out of pocket expenditures).

NOTE: IDA reserves the right to seek additional IDA and Bond Counsel fees for exceptionally complex/large 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 project cost (as identified on page 7 of this application).

LABOR POLICY
ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Adopted 04-24-2014

The Orange County Industrial Development Agency (IDA) was created for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Orange County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Orange County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs, though limited in time duration, are vital to the overall employment opportunities in Orange County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices (hereinafter "construction workers"), including those who have returned from military service, during the construction phase of projects. In this way, the IDA can generate significant benefits to advance the County's general prosperity. It is, therefore, the policy of the IDA that firms benefiting from its programs shall employ workers in Orange County during all project phases, including the construction phase.

For the purposes of this Policy, the local labor market for construction workers shall be defined as those individuals living in Orange, Ulster, Sullivan, Dutchess, Putnam, Rockland and Westchester Counties. Applicants receiving IDA benefits shall utilize at least 85% local labor for their approved projects. However, the IDA recognizes that the use of local labor may not be possible for the following reasons:

- 1) Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;
- 2) Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work;
- 3) Significant cost differentials in bid prices whereby the use of local labor significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations;
- 4) No local labor is available for the project; and
- 5) The contractor requires the use of key or core persons such as supervisors, foremen, or construction workers having special skills.

The request to secure an exemption for use of non-local labor must be received in writing from the applicant. The request will be reviewed by the Executive Director who shall have the authority to approve or disapprove the request. The Executive Director shall report each authorized exemption to the Board of Directors at its monthly meeting.

In addition, applicants receiving IDA benefits and Contractors on the project shall make every effort to utilize vendors, material suppliers, subcontractors and professional services from Orange County and the surrounding counties. Applicants and contractors shall be required to keep records of those local vendors, material suppliers, contractors and professional services who they have solicited and with whom they have contracted with or awarded.

It is the goal of the County of Orange and the IDA to promote the use of local veterans on projects receiving IDA benefits. By partnering with local contractors, local contractor groups, local trade unions and contractors awarded work on IDA projects there is opportunity for veterans to gain both short term and long term careers in the construction industry.

Once approved for IDA benefits, all applicants will be required to provide to the IDA's Executive Director the following information:

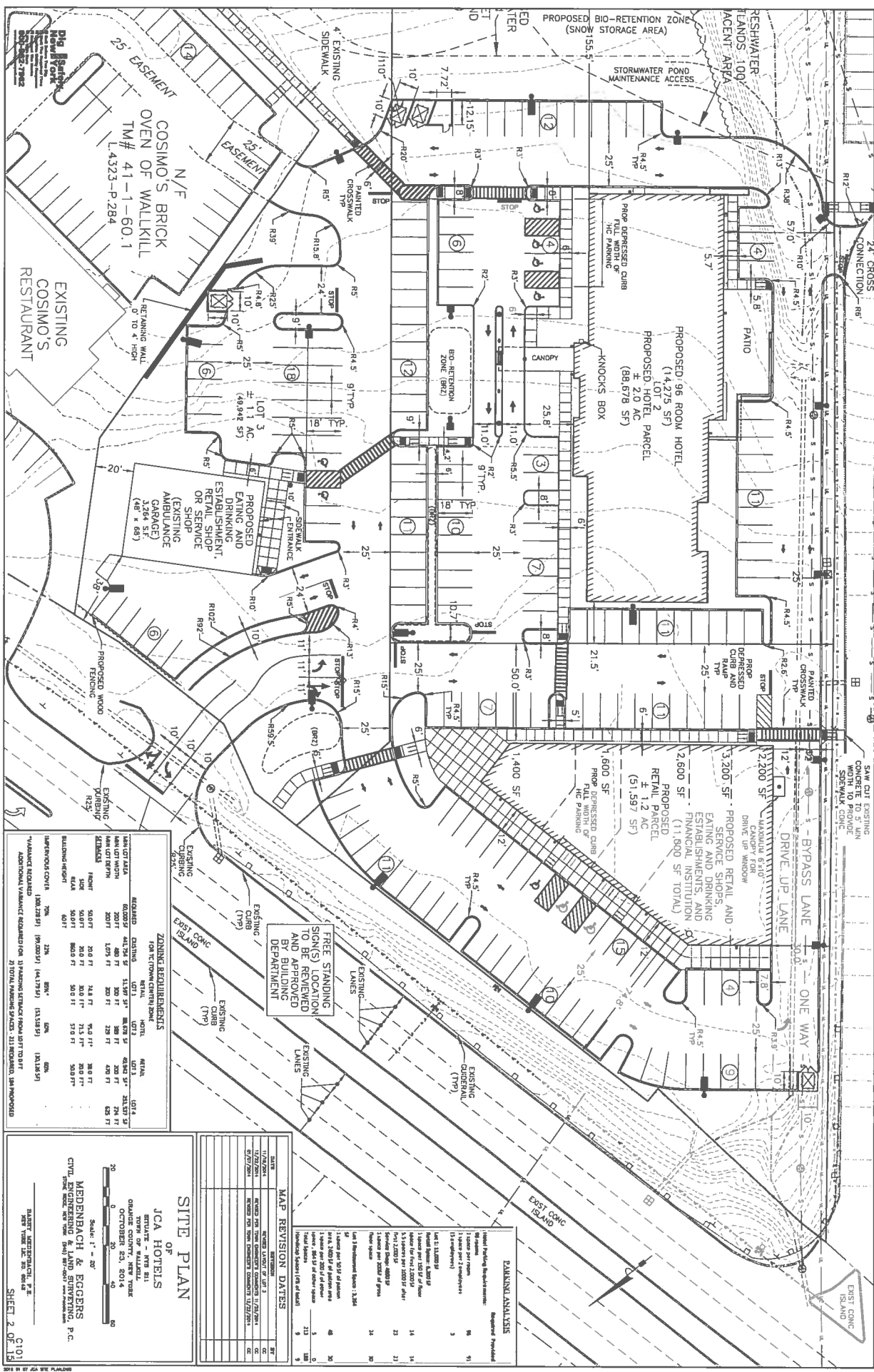
- 1) Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the application and project;
- 2) Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions;
- 3) The names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification for all contractors and their employees performing work on the site; and
- 4) A Construction Completion Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of the project.

All Orange County IDA projects are subject to local monitoring by the IDA. The Construction Manager, acting as agent for the applicant, on the project shall keep a log book on site detailing the number of workers on the job for each trade and the counties in which they reside which shall be subject to periodic inspection by the monitoring entity. The monitor shall issue a report to the Executive Director relative to compliance with this labor policy who shall share such information with the IDA Board of Directors. If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the Board of Directors which may, in its discretion, take action to revoke IDA benefits.

The applicant of an IDA approved project shall be required to maintain a 4' x 8' bulletin board on the project site containing the following information:

- 1) Contact information of the applicant;
- 2) Summary of the IDA benefits received; and
- 3) Contractors' names and contact information.

The bulletin board shall be located in an area that is accessible to onsite workers and visitors.



ZONING REQUIREMENTS
FOR THE TOWN CENTER ZONE

| REQUIREMENT | RETAIL | RESTAURANT | HOTEL | OFFICE | RESIDENTIAL |
|----------------------------|-----------|------------|-----------|-----------|-------------|
| MINIMUM LOT AREA | 10,000 SF | 10,000 SF | 10,000 SF | 10,000 SF | 10,000 SF |
| MINIMUM LOT DEPTH | 100 FT | 100 FT | 100 FT | 100 FT | 100 FT |
| MINIMUM FRONT SETBACK | 20 FT | 20 FT | 20 FT | 20 FT | 20 FT |
| MINIMUM SIDE SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM REAR SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM FRONT YARD SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM SIDE YARD SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM REAR YARD SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM FRONT SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM SIDE SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM REAR SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM FRONT SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM SIDE SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |
| MINIMUM REAR SETBACK | 10 FT | 10 FT | 10 FT | 10 FT | 10 FT |

SITE PLAN
OF
JCA HOTELS
TOWN OF WALLKILL
ORANGE COUNTY, NEW YORK
OCTOBER 2014

Scale: 1" = 20'

MEDENBACH & EGGERS
CIVIL ENGINEERING & LAND SURVEYING, P.C.
100 N. 2ND ST. SUITE 200
WALLKILL, NY 12590
(845) 887-0077

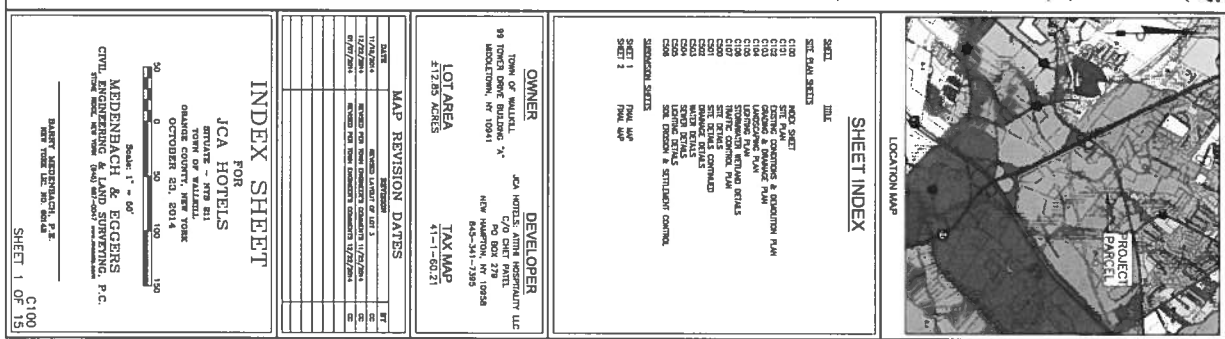
DATE: 10/15/14
DESIGNED BY: JCA
REVIEWED BY: JCA
DATE: 10/15/14

MAP REVISION DATES

| NO. | DATE | DESCRIPTION |
|-----|----------|---|
| 1 | 10/15/14 | INITIAL DESIGN |
| 2 | 10/15/14 | REVISED PER TOWN ENGINEER'S COMMENTS (10/15/14) |
| 3 | 10/15/14 | REVISED PER TOWN ENGINEER'S COMMENTS (10/15/14) |

PLANIMETER ANALYSIS

| REQUIREMENT | PROPOSED | REQUIRED |
|---|----------|----------|
| 1. Lot area per 100 sq ft of gross floor area | 1.0 | 1.0 |
| 2. Lot area per 100 sq ft of net floor area | 1.0 | 1.0 |
| 3. Lot area per 100 sq ft of parking area | 1.0 | 1.0 |
| 4. Lot area per 100 sq ft of other uses | 1.0 | 1.0 |
| 5. Lot area per 100 sq ft of total area | 1.0 | 1.0 |



Office of the Secretary of the State of Connecticut

I, the Connecticut Secretary of the State, and keeper of the seal thereof,
DO HEREBY CERTIFY, that articles of organization for

JCA HOSPITALITY, LLC

a domestic limited liability company, were filed in this office on January 17, 2012.

Articles of dissolution have not been filed, and so far as indicated by the records of this office such
limited liability company is in existence.



Secretary of the State

Date Issued: June 02, 2015

Business ID: 1058720

Standard

Certificate Number: 2015152458001

Note: To verify this certificate, visit the web site <http://www.concord.sots.ct.gov>

| | |
|---|---|
| TOWN OF WALLKILL PLANNING BOARD RESOLUTION GRANTING SITE PLAN APPROVAL | ICA HOTELS Town File No 14-07 Tax Map 50-1-37 |
|---|---|

WHEREAS, an application was made to the Town of Wallkill Planning Board by ICA HOTELS ("Applicant") for a Site Plan Approval in relation to the former Town Hall on NYS Rt. 211 and the former volunteer ambulance garage, which buildings are on the property commonly known as 600 Rt 211 East, and identified on the Tax Maps as Sec 50, Block 1, Lot 37 ("Site"); and

WHEREAS, the Applicant submitted a revised and amended site plan prepared by its engineers, which site plan was subject to various revisions, and was last revised on November 18, 2014 ("Site Plan"); and

WHEREAS, the Applicant proposes to redevelop the Site by demolishing the former Town Hall and constructing a hotel and other permitted uses in its place; and

WHEREAS, the Planning Board conducted an Environmental Review, which included Environmental Assessment Review under SEQRA; and,

WHEREAS, on December 3, 2014, the Town of Wallkill Planning Board adopted Part 3 of the EAF, and a SEQR Negative Declaration determining that there will be no significant environmental impacts from the proposed modification and improvement of the site; and

WHEREAS, the Planning Board took into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular; and

WHEREAS, the procedure/requirements and provisions of Sections 249-38, 249-39 & 249-40 of the Town of Wallkill Zoning Law relating to the review and approval of Site Plans have been followed and met; and

WHEREAS, the Planning Board required the Applicant to incorporate safeguards and conditions to further the intent of the zoning regulations, including those mitigation measures set forth in the aforementioned Negative Declaration; and

WHEREAS, the Planning Board has required and the Applicant has agreed to provide conditions and safeguards, as are shown on its Site Plan, that, to the maximum extent practicable, further the expressed intent of Section 249-40 and accomplishment the following objectives:

1. **Traffic access.** That all proposed traffic accesses are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street intersections or other places of public assembly; and other similar safety considerations.
2. **Circulation and parking.** That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any person connected within or visiting the use; also that the interior circulation system is adequate to provide safe accessibility into and within the site.
3. **Landscaping and screening.** That all parking and service areas are reasonably screened during all seasons of the year from the view of adjacent residential lots and streets; also that the general landscaping of the site is in harmony with that generally existing in the neighborhood, except such screening of the rooftop air conditioning units as noted above, which the Planning Board may require to be mitigated in connection with any future approvals.
4. **Existing Trees:** N/A: no trees are proposed to be removed by this application.

WHEREAS, those safeguards and conditions are set forth herein and on the Site Plan, the Negative Declaration, and forth in the conditions listed below.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wallkill Planning Board finds that the applicant has submitted all applicable materials, except as otherwise noted herein, and met all applicable requirements as set forth in the Zoning Code and Regulations of the Town of Wallkill and hereby approves the Site Plan to the Applicant for use of the premises depicted on the Site Plan, subject to all applicable laws and the following conditions:

1. The Planning Board finds that the Site Plan submitted by the Applicant conforms to the requirements set forth in the applicable

provisions of the Town Code, 249-40, subject to making the modifications noted herein.

2. As a condition of the within approval, the Applicant agreed modify the Site Plan to incorporate and/or address the following items, as were set forth in the Technical Review Comments of the Town Engineer dated 25 November 2014, which are conditions of the within approval:

- i. Dimensioning is generally missing from the site plan including sidewalk widths, dimensions for curbed islands, dumpster enclosures, access drives, etc. The same shall be provided as part of the Site Plan submitted for signature by the Chairman.
- ii. Details for the dumpster enclosure construction to be provided as well as other site improvements.
- iii. It appears that a sidewalk is being proposed from the rear of the Hotel to the adjoining access road to Pier 1 Imports, appropriate details provided.
- iv. Details of construction of the new entrance drive to the adjoining site in front of OTB is to be provided including grading and drainage plans, etc.
- v. Notes similar to that shown on Sheet C501 referring to a "standard manhole frame and cover" are not acceptable. Manufacturers to be provided in accordance with Town Specifications.
- vi. Sheets to be consecutively numbered.
- vii. Provide curb box type grates for the catch basins in some areas, as required by Town Engineer.
- viii. Some of the catch basins appear to have round solid covers,

this to be revised to satisfaction of Town Engineer, so to provide in lieu of grates i.e., near the discharge point into the forebay of the stormwater management pond.

ix. Details of lighting fixtures including free standing and wall mounted lighting fixtures to be provided and approved by Town Engineer. All lighting fixtures including wall mounts should have shielded lenses.

x. The planting bed to be specified with non flammable mulch rather than wood chips and bark.

xi. Fire hydrant specifications to be in accordance with Town Water Department regulations as well as details of construction. The size and type of existing watermain to be tapped should be verified i.e., cast iron vs, transite, etc. and so noted on the plans.

xii. Manholes to be specified with bituminous coating interior and exterior. The Engineer should review the Town's typical specifications for sanitary sewers for details of construction including manholes.

xiii. The Engineer should verify whether the drop manhole can be inside or outside of the unit in accordance with Town Sewer Specifications.

xiv. Sewer System testing to be verified to be in compliance with the Towns Specifications, and testing methods / results subject to review by Town.

xv. The size and details of the grease trap to be verified with the Sewer Department and subject to its approval.

xvi. We were unable to find the location of the grease trap, this should be detailed including top and invert elevations of all connections. A grease trap maintenance agreement, in the

standard / typical form used by the Town, is to be made and entered into by the Applicant / Owner and the Town as to any use that entails the use of a grease trap.

xvii. The location of the Siamese connection to be specified on the plans.

xviii. The knock box to be located on the site plan.

xix. Provide a separate service valve for the watermain lateral to the retail building.

xx. Highway work permit will be required for the proposed 8 inch waterman connection in the State Highway. Appropriate notes to be provided requiring a permit prior to the start of work.

xxi. Details of retaining walls to be provided. The beginning and ending of curbing including details are unclear in some locations. Some curbed islands appear to be curbed and others not. A bull nose curb detail may also be necessary.

xxii. The project signage to be shown in a schematic way including setbacks to be in conformance with the town ordinance. Notes are to be provided and a separate application is to be made to the Building Department and/or Zoning Board for approval.

xxiii. Details of the proposed wood fencing and/or guiderail in front of the ambulance garage is to be provided.

xxiv. The approved subdivision map be made a part of the approved site plans for references to access easements, rights of entry and Mutuality of Use and Maintenance Agreements, etc.

xxv. The Applicant shall submit to the Town Engineer such proof

as required by the Engineer to demonstrate that post development run-off of stormwater from the Site will not exceed the present conditions;

xxvi. The Applicant shall submit to the Town Engineer such proof as required by the Engineer to demonstrate illumination beneath the proposed lighting fixtures is not excessive – given the surrounding areas – so as not to result in unnecessary and/or avoidable illumination of the areas adjoining the Site;

xxvii. Subject to all other comments set forth in the Technical Review Comment memo of the Town Engineer dated 25 November 2014;

xxviii. A revised Site Plan addressing the above comments and conditions shall be submitted to the Town Engineer for his review and approval.

3. The drive-thru shown on the Site Plan is not for any use associated with the service of food and/or beverage. Insufficient space for stacking of motor vehicles is provided, so the use is limited to bank purposes only and not for eating or drinking.

4. The within approval does not permit the placing of any temporary signage on the building and/or on the site that is not permitted by law.

5. The Parking Area shall not be used for any activity or use other than the parking of cars / motor vehicles. Outdoor storage is not permitted. Outdoor displays and sales are not permitted.

6. The Parking Area shall be kept and maintained as required by the Town Code, including restriping when and as necessary or as required by the Town Code.

7. All vegetation and landscaping shown on the Site Plan shall be

maintained in a healthy and vigorous state, and replaced when and as necessary to account for disease and/or decay.

8. The within Site Plan Approval does not relieve the applicant from securing any other permits and/or approvals that may be necessary to use the site.
9. The premises cannot be occupied or used for the uses allowed by this approval unless and until a certificate of approval is issued by the Building Department of the Town of Wallkill and all other necessary and required permits are obtained by the owner of the premises. No uses other than as provided as of right in the zoning district where the Site is located are permitted by this approval, and the square footage of such uses shall not exceed the parking space count shown on the Site Plan.
10. As a condition of the approval of the within Site Plan, the owner of the property depicted in with within site plan irrevocably gives permission to the Town of Wallkill to perform such inspections and/or patrols as the Town of Wallkill deems, in its sole discretion to be reasonably necessary, of the public areas of the above-referenced property. Said inspections and/or patrols of the public areas can be performed without notice or pre-conditions as the Town of Wallkill considers appropriate under the circumstances. Said inspections and/or patrols can be performed by any authorized person acting for the Town of Wallkill, including its police officers, code enforcement personnel, and/or its parking enforcement patrol personnel. The permission granted hereby is in addition to any other right the Town of Wallkill has to inspect the property, and it is not in limitation thereof. This permission shall not be revoked so long as the property is used and operated in the Town of Wallkill that is open to the public and/or pursuant to an approved site plan or special use permit.
11. It shall be a violation of § 249-7 and § 249-52 of the Town Code of

the Town of Wallkill to use and/or occupy the site depicted on the within site plan in any manner inconsistent with the approvals granted therefor by the Town of Wallkill Planning Board. At all times, the site shall be maintained in conformity with the approved site plan. Failure to do so shall be punishable as provided under applicable law, including enforcement action by Town Building Inspector.

12. As a condition of being issued a building permit, the Applicant shall post with the Town of Wallkill such financial security, if any, as is required for security in relation to the construction of the site improvements. The amount of any such security shall be determined by the Town Engineer, and the form of the security shall be approved by the Attorney for the Town.

13. As a condition of the signing of the Site Plan by the Chairman of the Planning Board, all fees due the Town of Wallkill, including any fees due its consultants, such as the Town Engineer and/or the Town Attorney, be paid in full.

NOW, THEREFORE, BE IT RESOLVED

On a motion by B. Capozella, seconded by M. Coyne, and carried by a vote of 7 Ayes, 0 Nays, that the Town of Wallkill Planning Board finds that the Applicant has submitted all applicable materials, and met all applicable requirements as set forth in the Town Code, including the provisions therein relating to Zoning, and hereby grants conditional site plan approval subject to the conditions set forth in this resolution.

Dated: December 23, 2014

TOWN OF WALLKILL PLANNING BOARD

Hon. Gary Lake, Chairman

The original of this resolution was filed with the Town Clerk on 12/30, 2014
A copy of this resolution was mailed to the applicant on 12/30, 2014



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

SOUTHERN REALTY AND DEVELOPMENT
LLC
47 SOUTHERN AVE
PO BOX 962
WARWICK, NY 10990-0962

Facility:

HOMEWOOD SUITES AND BANK
RTE 211 & WES WARREN DR
WALLKILL, NY

TOWN OF WALLKILL
99 TOWER DR BLDG A
MIDDLETOWN, NY 10941
(845) 361-1106

Facility Location: in WALLKILL in ORANGE COUNTY

Facility Principal Reference Point: NYTM-E: 552.758 NYTM-N: 4590.315
Latitude: 41°27'45.7" Longitude: 74°22'05.7"

Authorized Activity: This permit authorizes disturbance of approximately 0.5 acre of the adjacent area of NYS-regulated wetland GO-15 (Class II) for the installation of stormwater features and utility lines associated with the commercial re-development of the former Town of Wallkill Town Hall site as a 99-room hotel and 8000 square-foot bank. An existing culvert conveying an unnamed sub-tributary of the Wallkill River, NYS Waters Index # H-139-13-50-1, Class C(t) will be extended by approximately 280 feet. All work is within previously disturbed areas.

No disturbance to the wetland is permitted.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 3-3352-00357/00001

New Permit

Effective Date: 4/5/2012

Expiration Date: 12/31/2016

Stream Disturbance - Under Article 15, Title 5

Permit ID 3-3352-00357/00002

New Permit

Effective Date: 4/5/2012

Expiration Date: 12/31/2016

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 3-3352-00357/00003

New Permit

Effective Date: 4/5/2012

Expiration Date: 12/31/2016



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: DANIEL T WHITEHEAD, Deputy Regional Permit Administrator
Address: NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY 12561 -1620

Authorized Signature: _____

Date 4/5/2012

Distribution List

Nicholas Sadler, Medenbach & Eggers via email
Army Corp of Engineers, NY District
Doug Gaugler, DEC Bur of Habitat via email
Lisa Masi, DEC Bur of Wildlife via email

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS; STREAM DISTURBANCE; WATER QUALITY CERTIFICATION

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Medenbach & Eggers and as listed in Natural Resource Condition 2.

2. **Approved Plans** The Approved Plans consist of the following sheets:

- Sheet C100 "Index Sheet", dated 08/24/2011 and last revised 01/10/12
- Sheet C101 "Site Plan", dated 08/24/2011 and last revised 01/10/12
- Sheet C102 "Existing Conditions & Demolition Plan", dated 06/30/2011 and last revised 01/10/12



- Sheet C103 "Grading Plan", dated 08/24/2011 and last revised 01/10/12
- Sheet C107 "Stormwater Wetland Details", dated 08/24/2011 and last revised 01/10/12
- Sheet C108 "Soil Erosion & Sediment Control Plan", dated 01/10/2012
- Sheet C505 "Soil Erosion & Sediment Control Details", dated 01/10/2012

3. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

4. **Notice of Intent to Commence Work** The permittee shall submit a Notice of Intent to Commence Work to Doug Gaugler, DEC Bureau of Habitat, dggaugle@gw.dec.state.ny.us at at least 48 hours in advance of the time of commencement.

5. **Work Within Area Depicted on Plans** All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving and stockpiling of material must take place within the project site as depicted on the project plans referenced by this permit. Construction activity is prohibited within areas to be left in a natural condition or areas not designated by the subject permit.

6. **Fence Limit of Disturbance** A snow fence or other temporary, project-limiting fence shall be erected prior to the commencement of any permitted activities within the freshwater wetland adjacent area and along the Limit of Disturbance boundary, as shown on the Approved Plans referenced in Natural Resource Conditions 1 and 2. In order to prevent the inadvertent intrusion of equipment into the protected area, the fence shall be posted with signs identifying the area beyond as protected. The fence and signs shall be maintained until project completion.

No disturbance to the wetland is permitted.

7. **Install Erosion Controls** Before any soil is disturbed on the subject site, the permittee shall install erosion and sedimentation controls which are adequate to prevent erosion and sedimentation off-site. Such controls shall be maintained until the unpaved portions of subject site, if any, are stabilized by a self-sustaining cover of vegetation that is adequate to prevent erosion and sedimentation on and off such site. Before such controls are removed, the permittee shall remove all sediment that has accumulated at such controls.

8. **Clean Fill Only** All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.

9. **Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated freshwater wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area.

10. **Avoidance of a Taking of Indiana Bat** To avoid a taking, pursuant to Article 11, Title 5 of the Environmental Conservation, of the NYS endangered species Indiana bat, any tree removal shall be performed in accordance with General Notes 2.1 to 2.4 of Sheet C100 of the Approved Plans.

11. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials



associated with the project.

12. Seed, Mulch Disturbed Soils All areas of soil disturbance resulting from this project (above the mean high water line) shall be seeded with an appropriate perennial grass seed and mulched with straw within one week of final grading.

13. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

14. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

15. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).



The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY 12561 -1620

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Stream Disturbance, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: SEQR Unlisted Action, No Significant Impact Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with Wallkill Town Planning Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

New York State
Department of Environmental Conservation

NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: Southern Realty + Development Permit No. 3-3352-00357 100001

Effective Date: 04-05-2012 Expiration date: 12-31-2016 100002
100003

☐ Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.