

Motion By: Schreibels
Seconded By: Steinberg

FINAL RESOLUTION
(Med Parc LLC Project)

A regular meeting of the Orange County Industrial Development Agency was held on January 11, 2018 at 2:00 p.m. (local time) at the Orange County Business Accelerator, 4 Crotty Lane, Suite 100, 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 Med Parc LLC (the "Company").

RESOLUTION AUTHORIZING THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) TAKE A LEASEHOLD INTEREST IN AN AGGREGATE APPROXIMATELY 4.95±-ACRE PARCEL OF VACANT LAND LOCATED AT 599 EAST MAIN STREET IN THE TOWN OF WALLKILL, ORANGE COUNTY, NEW YORK (THE "LAND"); (II) APPOINT MED PARC LLC (THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY DESCRIBED BELOW; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT AND LEASEBACK AGREEMENT; (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 PROJECT AND (B) A MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT; AND (v) EXECUTE RELATED DOCUMENTS.

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, as amended (hereinafter collectively called the "Act"), the **ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **MED PARC LLC**, for itself or on behalf of an entity to be formed (collectively, 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 (i) the acquisition by the Agency of a leasehold interest in an approximately 4.95±-acre parcel of vacant land located at 599 East Main Street in the Town of Wallkill, Orange County, New York (collectively, the "Land"), (ii) the construction on the Land of an approximately 54,280 square foot hotel comprised of 93-units (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, furniture (collectively, the "Equipment" and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on December 5, 2017, at 11:00 a.m. local time, in the Main Meeting Room at the Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York 10941, the Agency held a public hearing with respect to the Project and the proposed financial assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Minutes of the Public Hearing along with the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of acquiring, constructing and equipping the Facility pursuant to an agent agreement (the "Agent Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement") and leaseback agreement (the "Leaseback Agreement") with the Company, (iii) take title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement and Leaseback Agreement have been negotiated), and (iii) 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 and (b) a mortgage recording tax exemption for financing or re-financing related to the Project; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Town of Wallkill Planning Board (the "Planning Board"), as Lead Agency pursuant to SEQRA, issued a negative declaration (the "Negative Declaration") with respect to the Project, a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Lease Agreement, Leaseback Agreement and related documents have been negotiated and are presented to this meeting for approval and execution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF 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 and other correspondence submitted by the Company to the Agency, 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) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

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

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

(E) 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; and

(F) The Planning Board has issued a Negative Declaration with respect to the Project. The Project involves an "Type I" as said term is defined under SEQR. The review is uncoordinated. Based upon the review by the Agency of the Negative Declaration and related documents delivered by the Company to the Agency and other representations made by the Company to the Agency in connection with the Project, the Agency hereby ratifies the Planning Board's findings that (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a "significant effect on the environment" as such quoted terms are defined in SEQR; and (iii) no "environmental impact statement" as such quoted term is defined in SEQR, need be prepared for this action. This determination constitutes a negative declaration for purposes of SEQR; and

(G) Based solely on representations made by the Company to the Agency, the Project constitutes a "tourism destination" as defined in Section 862 of the Act as the Project will provide necessary lodging and other services to persons coming from outside the economic development region (including, but not limited to, New Jersey and Pennsylvania) who will visit tourist attractions such as the Woodbury Commons Outlet Mall, LEGOLAND theme park and Leentjes Amusement Park, among other similar attractions. The Project and its location will cause visitors to come from outside the economic development region.

Section 2. Subject to the Company executing the Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things

which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the Agent Agreement shall expire on December 31, 2018 (unless extended for good cause by the Chief Operating Officer of the Agency) if the Lease Agreement and Leaseback Agreement contemplated have not been executed and delivered.

Section 3. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$8,615,385**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$700,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 4. The Chairman, Vice Chairman and/or the Chief Operating Officer of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (A) the Lease Agreement whereby the Company leases the Project to the Agency and (B) the related Leaseback Agreement conveying the Project back to the Company; provided, that, 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 5. The Chairman, Vice Chairman and/or Chief Operating Officer of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all

documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement and Leaseback Agreement are collectively referred to as, the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency, if any, to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman and/or Chief Operating Officer of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman and/or Chief Operating Officer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. 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 7. 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 | | | ✓ | |
| John Steinberg, Jr. | ✓ | | | |
| Stephen Brescia | | | | ✓ |
| Edward A. Diana | ✓ | | | |
| Robert J. Schreibeis, Sr. | ✓ | | | |
| Michael Bonura | | | ✓ | |

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

Chief Operating Officer

I, the undersigned ~~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 January 11, 2018, 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
11 day of January, 2018.

Stephen Brescia

~~Stephen Brescia, Secretary~~

Laurie Vilbasso, Chief Operating Officer

Exhibit A

Public Hearing Minutes & Notice of Public Hearing

[See Attached]

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Orange County Industrial Development Agency (the "Agency") on Tuesday, December 5, 2017, at 11:00 a.m. local time, in the Main Meeting Room at the Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York 10941, in connection with the following matter:

MED PARC LLC, for itself or on behalf of an entity to be formed (collectively, the "Company"), 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 approximately 4.95±-acre parcel of vacant land located at 599 East Main Street in the Town of Wallkill, Orange County, New York (collectively, the "Land"), (ii) the construction on the Land of an approximately 54,280 square foot hotel comprised of 93-units (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, furniture (collectively, the "Equipment" and, together with the Land and the Improvements, the "Facility").

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Agency's leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions and a mortgage recording tax exemption, all consistent with the policies of the Agency.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application (including a cost-benefit analysis) and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: November 22, 2017

By: ORANGE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

NOTICE LETTER

BOARD OF DIRECTORS

November 21, 2017

Robert T. Armistead
- CHAIRMAN

Mary Ellen Rogutski
- VICE CHAIRMAN

John Steinberg, Jr.
- SECOND VICE CHAIRMAN

Stephen Brascia
- SECRETARY

Edward A. Diana
- ASSISTANT SECRETARY

Robert S. Schreibeis, Sr.

Michael Bonura

To: The Chief Executive Officers of Affected Tax Jurisdictions on the Attached
Distribution List

**Re: Orange County Industrial Development Agency and
Med Parc LLC**

Ladies and Gentlemen:

On Tuesday, December 5, 2017, at 11:00 a.m. local time, in the Main Meeting Room at the Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York 10941, the Orange County Industrial Development Agency (the "Agency") will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the project and the financial assistance contemplated by the Agency. The Notice has been submitted to the *Times Herald Record* for publication.

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.

**By: ORANGE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

OPERATIONS STAFF

Laurie Viliassano
- CHIEF OPERATING OFFICER &
EXECUTIVE VICE PRESIDENT

Joel Kleiman
- CHIEF FINANCIAL OFFICER

Kevin T. Dowd
- ATTORNEY

AFFECTED TAX JURISDICTION OFFICIALS

| Orange County |
|---|
| <p>Orange County Legislature Attn: Chairman Orange County Government Center 15 Matthews Street, Suite 203 Goshen, New York 10924 CERTIFIED MAIL RECEIPT # 91 7199 9991 7038 2129 4909</p> <p>Orange County Executive Orange County Government Center 40 Matthews Street Goshen, New York 10924 CERTIFIED MAIL RECEIPT # 91 7199 9991 7038 2129 4923</p> |
| Town of Wallkill |
| <p>Town of Wallkill Attn: Town Supervisor 99 Tower Drive, Building A Middletown, New York 10941 CERTIFIED MAIL RECEIPT # 91 7199 9991 7038 2129 4947</p> |
| Enlarged City School District of Middletown |
| <p>Enlarged City School District of Middletown Attn: Superintendent 223 Wisner Road Middletown, New York 10940 CERTIFIED MAIL RECEIPT # 91 7199 9991 7038 2129 4961</p> <p>Enlarged City School District of Middletown Attn: Board President 223 Wisner Road Middletown, New York 10940 CERTIFIED MAIL RECEIPT # 91 7199 9991 7038 2129 4985</p> |

NOTICE OF PUBLIC HEARING

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A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application (including a cost-benefit analysis) and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: November 22, 2017

By: ORANGE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

2 THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
3 STATE OF NEW YORK

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4 In The Matter of

5 Re: MED PARC LLC

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7 Town of Wallkill Town Hall
8 99 Tower Drive
9 Middletown, New York
December 5, 2017
11:00 a.m.

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13 B E F O R E: KEVIN DOWD, ESQ.
14 IDA ATTORNEY
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23 FRANCES ROTH
24 Court Stenographer
25 168 North Drury Lane
Newburgh, New York 12550
Telephone (845) 566-1641

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3 A P P E A R A N C E S:

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5 LAW OFFICES OF KEVIN T. DOWD

Attorney for IDA

6 46 Daisy Lane

Montgomery, New York 12549

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ALSO PRESENT: Kelly Reilly

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Client Services Specialist, OCIDA

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MED PARC LLC

MR. DOWD: Okay, good morning everyone, my name is Kevin Dowd, local counsel to the Orange County IDA. To my right is Kelly Reilly from our administrative staff and to our left is Fran Roth who is our stenographer who will record everything. There's a sign-in sheet, I see the only person is Mark Devitt, the applicant so he signed in. I'm going to ask you to stand to say the Pledge of Allegiance which I think is out there.

(Whereupon, the Pledge of Allegiance was recited.)

MR. DOWD: So I'll proceed by reading the Notice of Public Hearing and at which point we'll open the public hearing for comment. Notice is hereby given that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Orange County Industrial Development Agency on Tuesday, December 5, 2017, at 11:00 a.m. local time in the Main Meeting Room at the Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York 10941 in connection with the following matter: Med Park LLC, for itself or on behalf of an entity to be formed has submitted an application to the Agency

MED PARC LLC

requesting the Agency's assistance with a certain project consisting of (i) the acquisition by the Agency of a leasehold interest in an approximately 4.95 plus or minus acre parcel of vacant land located at 599 East Main Street in the Town of Wallkill, Orange County, New York, (ii) the construction on the Land of an approximately 54,280 square foot hotel comprised of 93 units 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 furniture. The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Agency's leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company in the form of sales and use tax exemptions and a mortgage recording tax exemption, all consistent with the policies of the Agency. A representative of the Agency will be at the above-stated time and place to

MED PARC LLC

present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance. By the Orange County Industrial Development Agency dated November 22, 2017. And before I open up to the public, there's just a review of the application. We're talking about a 93 room Holiday Inn Express and Suites, the total capital cost is projected to be \$14.73 million. The sales tax exemptions estimates are \$440,000 for construction and \$162,500 for furnishings. And the mortgage recording tax exemption is estimated at \$82,856. There is no PILOT involved so you're going to go through the 485-B process with the Town of Wallkill as far as jobs?

MR. DEVITT: Yes.

MR. DOWD: And you are going to create 18 full time equivalent jobs, 10 part time jobs. That all being said, I would open the floor to public comment. Mr. Applicant, do you have anything to say?

MR. DEVITT: Pretty much sums it up.

MED PARC LLC

MR. DOWD: There being no one else present,
I would declare the public hearing closed. Thank
you.

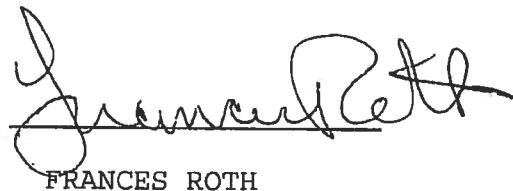
(Proceedings concluded at 11:05 a.m.)

C-E-R-T-I-F-I-C-A-T-I-O-N

I, FRANCES ROTH, a Stenographic Reporter and Notary Public
of the State of New York, do hereby certify:

That the foregoing is an accurate record of the testimony,
as given, to the best of my knowledge and belief, the same
having been stenographically recorded by me and transcribed
under my supervision.

That I am not related to any of the parties involved in
this matter, and that I have no personal interest
whatsoever in the outcome thereof.



FRANCES ROTH

Exhibit B

Negative Declaration Issued by the Town of Wallkill Planning Board

[See Attached]

**TOWN OF WALLKILL
PLANNING BOARD
NEGATIVE DECLARATION**

Determination: Please take notice that, according to the provisions of 6NYCRR, Part 617.7, the Town of Wallkill Planning Board as lead agency, having reviewed and considered information provided by the applicant, the Full Environmental Assessment Form and plans for the proposed project and having considered the reasonably related long-term, short-term and cumulative effects and impacts of the project, has determined that the action described below will not have an adverse impact on the environment and the Planning Board has, therefore, adopted a resolution to this effect.

Contact Person/Address: Gary Lake, Chairman
Town of Wallkill Planning Board
99 Tower Drive, Building A
Middletown, NY 10940
(845) 692-7814

Name of Project: Devitt East Main Street

Location: 599 East Main Street

Tax Map Parcel: 78-1-94.1 Town of Wallkill, County of Orange

Type of Action: Type 1

Project Description, Background and Reasons Supporting the Negative

Declaration: The Applicant, Devitt Management, is proposing a project (the "Project") to construct four (4) pad sites totaling 24,000 square feet of commercial space, a 200-room hotel, 220,000 square feet of office/research space in three separate buildings, a 100-room assisted living facility, and associated infrastructure. The Applicant proposes to develop the Project in several phases; with Phase 1A consisting of a \pm 100-room hotel.

The Lead Agency has carefully considered all issues of potential environmental concern and concludes that the project, as proposed, will not have a significant effect on the environment for the following reasons:

Impact on Land

To ensure there are no impacts on land, the Applicant will implement the following:

- A detailed grading plan will be designed to minimize the amount of earthwork for each specific site plan application.
- A detailed Soil Erosion and Sediment Control Plan will be submitted as part of each specific site plan application.
- Construction Best Management Practices (BMPs) will be employed during the construction of the project.
- If necessary, dewatering and rock removal techniques will be carried out following the strict requirements of the Town of Wallkill.
- A detailed construction sequencing will be implemented to limit areas of disturbance and minimize the length of construction time.

Impact on Surface Water Resources

To ensure there are no impacts on surface water resources, the Applicant will implement the following:

- A detailed Soil Erosion and Sediment Control Plan will be submitted as part of each specific site plan application.
- A site-specific Storm Water Pollution Prevention Plan in accordance with the applicable NYSDEC stormwater general permit for construction activity will be submitted as part of each specific site plan application.
- Cumulative wetland disturbance will be limited to approximately 0.1 acres. If for any reason wetland disturbance should exceed 0.1 acres a 2 for 1 compensatory wetland mitigation would be created. All wetland disturbance would be in accordance with the applicable US Army Corps of Engineers Nationwide Permit requirements.
- Installation of NYS approved water saving plumbing fixtures.

Impacts on Ground Water Resources

To ensure there are no impacts on ground water resources the Applicant:

- Has confirmed that there are no wells on site and that the Town is not interested in the development of water supply wells within the onsite NYS designated Principal Aquifer.
- Will confirm that proposed stormwater management facilities have sufficient separation to groundwater.
- Will install NYS approved water saving plumbing fixtures and energy efficient appliances.
- Will provide a detailed Water System Engineer's Report as part of each specific site plan application.
- Has confirmed the Town's municipal ground water supply has sufficient capacity to serve the site.

Impacts on Air Resources

To ensure there are no impacts on air resources the Applicant has determined that:

- It is not expected that any of the proposed uses will require an air emissions permit from the NYSDEC. If a permit is required for a future site plan application, it will be obtained from NYSDEC prior to final site plan approval of the application.
- Dust from construction activity will be limited by spraying of water on unpaved areas, limiting disturbance areas and by maintaining a tree perimeter to the greatest extent practical.
- Stabilized construction entrances will be installed for each phase of construction.

Impacts on Agricultural Resources

To ensure there are no impacts on agricultural resources the Applicant:

- Has prepared and filed an Agricultural Data Statement with the Town Planning Board.

Impacts on Aesthetic Resources

To ensure there are no impacts on aesthetic resources the Applicant:

- Will use architectural styles and colors consistent with the aesthetic character of the surrounding area.
- Will ensure that site lighting is "night sky friendly" and appropriately shielded from abutting properties.
- Will prepare a detailed landscape plan as part of each specific site plan application. Landscape shall be consistent with the new landscaping recently installed in the East Main Street corridor.

Impacts on Cultural Resources

A Phase 1 Archeological Survey has confirmed that no archeological resources exist on site and no further study is warranted.

Impact on Transportation Resources

To ensure there are no impacts on transportation resources the Applicant:

- The approval of individual site plans will be subject to Town of Wallkill Traffic mitigation fees, as applicable.
- As part of the Phase 1 Access from East Main Street
 - Install a dedicated left turn signal
 - Install a queue detector to override the signal to allow extended green time for the existing left turn entry movement.
 - Has proposed to lengthen of the right and left turn exit lanes from the site to East Main Street approximately 80 feet to a total of 155 feet in length.
- Prior to Phase 2 of development.
 - To determine if any modifications of the recommended improvements is necessary, will perform a post development implementation traffic study after completion of phase 1 and prior to construction on future phases.
 - Has proposed to lengthen the left turn lane on East Main Street approximately 100 feet to provide additional stacking room for 7-8 vehicles. This construction will include a top course pavement overlay of the proposed widened section of East Main Street.
 - Install separate right and left turn exit lanes on the Dunning Road access road.
 - Will install a right turn-in deceleration lane at Dunning Road site entrance.
 - A 75 foot wide access easement will be provided to allow access to tax lots 78-1-52.12, 55 & 56.1 as shown on the "overall Plan Devitt – East Main Street dated 8/22/16 last revised 01/20/17.
 - As the configuration of the proposed Improvements adjacent to tax lot 78-1-50 is conceptual in nature, an access easement has not yet been identified. At the time of application for site plan approval of either one of the pad sites fronting on East Main Street, an access easement will be provided.
- Will install sidewalks along East Main Street and throughout the development's main access road as each site plan is developed.
- Will comply with all other provisions of the OCDPW letter dated August 2, 2017.

Impact on Noise, Odor and Light Resources

To ensure there are no impacts due to noise, odor and lighting the Applicant:

- Will prepare and submit detailed site lighting and landscaping plans as part of each specific site plan application.
- Will limit temporary construction noise to Town approved working hours during the construction phase.
- Will work with the Planning Board to confirm that each site plan application will not produce objectionable noise, odor or light.

Date of Action: xxxxx, 2017

Date of Mailing: xxxxx

Involved Agencies:

New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561

NYSDEC, ENB
625 Broadway, 4th Floor
Albany, NY 12233

Orange County Department of Public Works
2459 Route 17A, PO Box 509
Goshen, NY 10924

Orange County Department of Planning
124 Mains Street
Goshen, NY 10924

Orange County Health Department
124 Main Street
Newburgh, New York 10924

USACOE New York District
26 Federal Plaza
New York, NY 10228

Interested Agencies/Parties:

Mechanicstown Fire District
22 Victory Street
Middletown, NY 10940

Town of Wallkill MS4 Coordinator
99 Tower Drive, Building A
Middletown, NY 10940