

FINAL RESOLUTION

(Mack Bros. Ltd. Project)

A regular meeting of the Orange County Industrial Development Agency held on December 21, 2022 at 5:30 p.m. (local time) at the Orange County Government Center Community Room, 255 Main Street, Goshen, New York.

The meeting was called to order by Michael Torelli and upon the roll being duly called, the following members were: Michael Torelli, Dean Tamburri, Dr. Vincent Odock, Marc Greene, Giovanni Palladino, James Rinaldi, Susan Walski

MEMBERS PRESENT: William Fioravanti, Susan Katzoff, Marty Borrás, Roy Makinen, John Cappello, Dennis Brady, Martyna Triggs and Eric Egeland via Zoom.

THE FOLLOWING PERSONS WERE ALSO PRESENT:

The following Resolution was offered by Susan Walski and seconded by Marc Greene :

AUTHORIZING THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO: (I) UNDERTAKE, ACQUIRE, CONSTRUCT, EQUIP AND COMPLETE A PROJECT; (II) APPOINT THE COMPANY AS AGENT OF THE AGENCY FOR THE PURPOSE OF THE ACQUISITION, RECONSTRUCTION, RENOVATION, EQUIPPING AND COMPLETION OF THE PROJECT (AS MORE FULLY DESCRIBED BELOW); (III) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAX; REAL PROPERTY TAX AND MORTGAGE RECORDING TAX; AND (IV) EXECUTE AND DELIVER CERTAIN DOCUMENTS IN CONJUNCTION WITH THE 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, as amended (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, Mack Bros. Ltd., a New York corporation, for itself or on behalf of its affiliate or subsidiary (the "*Company*"), has submitted an application (the "*Application*") to the Agency requesting the Agency's assistance with a project (the "*Project*") consisting of: (A)(i) the acquisition of a leasehold interest in approximately 60 acres of improved real property located at One 6½ Station Road (Tax Map No. 12-1-13.2) and 2564 State Route 17M (Tax Map No. 12-1-13.1), Goshen, New York (collectively, the "*Land*"); (ii) the demolition of approximately 5,000 sq. feet of the existing approximately 60,000 sq. ft. building (the "*Building*") used as a frozen food manufacturing facility and the construction of an approximately 40,000 sq.ft. addition to the Building to provide for, among other things, a new loading dock, refrigerated refuse area; freezer space, processing area, two manufacturing areas

and office space; and the renovation of certain portions of the existing Building including, but not be limited to, the packaging, processing, storage and freezing areas (collectively with the Building, the “**Facility**”); (iii) the acquisition and installation in and on the Facility of furniture, fixtures and equipment (collectively, the “**Equipment**” and together with the Land and the Facility, the “**Project Facility**”); (B) the granting of certain financial assistance in the form of exemptions from State and local sales and use tax, mortgage recording tax and real property tax (collectively, the “**Financial Assistance**”); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, construction, equipping and completion of the Project Facility; and (D) the acquisition of an interest in the Land and Facility by the Agency pursuant to a lease agreement and the acquisition of an interest in the Equipment pursuant to a bill of sale from the Company to the Agency; and the sublease of the Project Facility back to the Company pursuant to a leaseback agreement; and

WHEREAS, pursuant to General Municipal Law Section 859-a, on November 17, 2022, at 11:00 a.m. (local time), at the Town of Goshen Town Hall, 41 Webster Avenue, Goshen, New York 10924, 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. Notice of the public hearing was published on November 4, 2022, in the Times Herald-Record, a newspaper of general circulation in Goshen, New York and given to the chief executive officers of the affected tax jurisdictions by letters dated November 2, 2022. A copy of the minutes of the Public Hearing along with the Notice of Public Hearing, which was forwarded to the affected taxing jurisdictions on November 2, 2022, are attached hereto as **Exhibit A**; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “**SEQRA**”), the Agency is required to make a determination whether the “action” (as said quoted term is defined in SEQRA) to be taken by the Agency may have a “significant impact on the environment” (as said quoted term is utilized in SEQRA), and the agreement of the Agency to undertake the Project constitutes such an action; and

WHEREAS, the Company and/or its affiliate/subsidiary Milmar Food Group LLC prepared and submitted a Full Environmental Assessment Form, dated June 9, 2021 (“**EAF**”) to the Town of Goshen Planning Board to obtain approval for a project that is substantially similar to the Project being undertaken by the Agency;

WHEREAS, the Town of Goshen Planning Board determined that the project before it and described in the EAF constituted a “Type I” action and appointed itself to act as “lead agency” for purposes of conducting a “coordinated review” (as said quoted terms are defined in SEQRA); and

WHEREAS, on July 21, 2022, the Town of Goshen Planning Board, as lead agency, and consistent with the procedures and criteria set forth in 6 NYCRR 617.7, analyzed the relevant areas of environmental concern using the SEQRA standards and ultimately determined that the project would not have a significant adverse impact on the environment, and adopted a negative

declaration ("**Negative Declaration**" and collectively with the EAF, the "**SEQRA Documents**") which SEQRA Documents are attached hereto as **Exhibit "B"**; and

WHEREAS, the Agency has undertaken a comprehensive and detailed review of the SEQRA Documents and findings of the Town of Goshen Planning Board.

WHEREAS, the Agency hereby adopts the SEQRA finding and Negative Declaration of the Town of Goshen Planning Board with respect to the environmental impact of the Project; and

WHEREAS, the Agency has given due consideration to the Application and to representations by the Company that the provision of Financial Assistance: (i) will induce the Company to develop the Project Facility in Orange County (the "**County**"); (ii) will not result in the removal of a commercial, industrial or manufacturing plant or facility of the Company or any other proposed occupant of the Project Facility from one area of New York State (the "**State**") to another area of the State or in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project Facility located in the State, except as may be permitted by the Act; and to the extent occupants are relocating from one plant or facility to another, based upon the Company's application and representations, the Agency hereby finds that 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 (iii) the Project will serve the purposes of the Act by advancing job opportunities and the economic welfare of the people of the State and the County and improve their standard of living; and

WHEREAS, subject to compliance with the terms hereof and the execution and delivery of the Lease Documents (as defined hereinbelow) by the Company, the Agency will: (i) designate the Company as its agent for the purpose of acquiring, constructing, reconstructing, renovating, equipping and completing the Project pursuant to a project agreement (the "**Project Agreement**"); (ii) acquire a leasehold interest in the Project through the negotiation, execution and delivery of a lease agreement (the "**Company Lease**"), a leaseback agreement (the "**Agency Lease**"), a bill of sale (the "**Bill of Sale**"), an environmental compliance and indemnification agreement (the "**Environmental Compliance and Indemnification Agreement**"), a tax agreement containing the PILOT Schedule (as defined below) (the "**PILOT Agreement**") and all other documents and certificates required by the Agency to confer the approved Financial Assistance, each of the foregoing with the Company (the "**Miscellaneous Documents**" and together with the Project Agreement, the Company Lease, the Agency Lease, the Bill of Sale, the Environmental Compliance and Indemnification Agreement and the PILOT Agreement, collectively, the "**Lease Documents**"); (iii) secure the Company's borrowings with respect to the Project Facility by joining in one or more construction or permanent mortgages and assignment of leases and rents on the Project Facility in favor of the Company's lender(s); (iv) provide the Financial Assistance to the Company in the form of (a) State and local sales and use tax exemption for purchases and rentals related to the acquisition, reconstruction, construction, renovation, equipping and completion of the Project, (b) a partial real property tax abatement through the PILOT Agreement, and (c) if necessary, a mortgage recording tax exemption for financing related to the Project; and

WHEREAS, as part of the Financial Assistance, the Company requested the Agency consider a 15-year payment in lieu of tax schedule, as more fully described on **Exhibit "C"** attached hereto (the "**PILOT Schedule**"), which schedule conforms with the Agency's Uniform Tax Exemption Policy ("**UTEP**") established pursuant to General Municipal Law Section 874(4); and

WHEREAS, the Lease Documents and related documents will be negotiated and presented to the Agency for execution and delivery subject to the approval of these resolutions.

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

SECTION 1. The Company presented the Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, at the public hearing and in other correspondence and/or documents, if any, 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 and authority 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 to take the actions contemplated herein; and

(B) Based upon the review by the Agency of the Application, the Agency finds that the proposed Project constitutes a "Type I action" pursuant to 6 N.Y.C.R.R. Part 617.4 and, pursuant to a thorough review, hereby adopts the SEQRA findings and Negative Declaration (dated July 21, 2022) of the Town of Goshen Planning Board; and

(C) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, reconstructing, constructing, renovating, equipping and completing the Project and to grant the Financial Assistance and the Agency hereby authorizes same; and

(D) The action to be taken by the Agency will induce the Company to develop and operate the Project in the County, thereby increasing employment opportunities 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 commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of 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 Project Facility constitutes a "project" within the meaning of the Act.

SECTION 2. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves: (a) 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 **\$6,000,000**, which result in New York State and local sales and use tax exemption benefits ("***Sales and Use Tax Exemption Benefits***") not to exceed **\$487,500**; and (b) exemption from mortgage recording taxes for one or more mortgages in the approximate amount of **\$10,000,000** in connection with the financing of the Project and any future financing, refinancing or permanent financing of the Project.

SECTION 3. Based upon the representations made by the Company to the Agency, and the reasons presented by the Company in support of its request for the PILOT Schedule, the Agency hereby approves the PILOT Schedule attached hereto at Exhibit "C" and the (Vice) Chairman and Chief Operating Officer, acting individually, are each authorized to execute and deliver the PILOT Agreement providing for the PILOT Schedule, all in such form and substance as shall be substantially the same as approved by the Agency for other similar transactions, and consistent with this Resolution.

SECTION 4. The Chairman, Vice Chairman, Chief Executive Officer and/or the Chief Operating Officer of the Agency, acting individually, are each hereby authorized and directed, on behalf of the Agency, to negotiate and execute the Lease Documents, in form and substance similar to other such agreements and documents used by the Agency for similar transactions, with changes in terms and form as shall be consistent with this Resolution and as the Chairman, Vice Chairman, Chief Executive Officer and/or the Chief Operating Officer shall approve; provided, however, the rental payments under the Agency Lease 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; and (D) and execute and deliver any such additional certificates, instruments, documents or affidavits, to pay any such other fees, charges and expenses, to make such other changes, omissions, insertions, revisions, or amendments to the documents referred to herein, as approved by the Chairman, Vice Chairman, Chief Executive Officer and/or the Chief Operating Officer, and to do and cause to be done any such other acts and things, as they determine, on advice of counsel to the Agency, may be necessary or desirable to consummate the transactions contemplated by this Resolution.

SECTION 5. Subject to the terms of this Resolution, the remittance by the Company of all fees and costs incurred by the Agency in connection with the Project, and the Company's execution, delivery and compliance of and with the Lease Documents within one year from the date hereof (unless otherwise authorized by the Agency), the Company is appointed as the true and lawful agent of the Agency and may utilize, and is hereby authorized to appoint, a Project operator, contractors, agents, subagents, subcontractors, contractors and subcontractors of such agents and subagents (collectively, "***Additional Agents***") in order to proceed with the reconstruction, renovation, restoration, preservation, equipping and completion of the Project, all with the same powers and the same validity as if the Agency were acting in its own behalf, provided the Company execute, deliver and comply with the Lease Documents. The Company

shall provide, or cause its Additional Agents to provide, and the Agency shall maintain, records of the amount of State and local sales and use tax exemption benefits provided to the Project and the Company shall, and cause each Additional Agent, to make such records available to the State Commissioner of Taxation and Finance (the “**Commissioner**”). The Agency shall, within thirty (30) days of providing any State sales and use tax exemption benefits, report to the Commissioner the amount of such benefits for the Project, identifying the Project, along with any such other information and specificity as the Commissioner may prescribe. As a condition precedent to the Company or Project’s receipt of, or benefit from, any State or local sales and use tax exemptions, the Company must acknowledge and agree to make, or cause its Additional Agents to make, all records and information regarding State and local sales and use tax exemption benefits realized by the Project available to the Agency or its designee upon request. for purposes of exemption from New York State (the “**State**”) sales and use taxation as part of the Financial Assistance requested, “sales and use taxation” shall mean sales and compensating use taxes and fees imposed by article twenty-eight or twenty-eight-A of the New York State tax law but excluding such taxes imposed in a city by section eleven hundred seven or eleven hundred eight of such article twenty-eight.

SECTION 6. Pursuant to Section 875(3) of the New York General Municipal Law and/or the Agency's policies, which are all incorporated herein by reference, 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 State and local Sales and Use Tax Exemption Benefits and/or any other Financial Assistance provided to the Company and/or the Project if there is a violation of the Act or the Agency's policies or in the event of a default under the Lease Documents by the Company. 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; and with respect to all other Financial Assistance the Company shall agree to cooperate with the Agency in its efforts to recover or recapture any Financial Assistance in the event of a Default; and promptly pay over any such amounts to the Agency that the Agency demands.

SECTION 7. The obligation of the Agency to consummate any transaction contemplated herein or hereby is subject to and conditioned upon the Company’s execution and delivery of the Lease Documents, all other documents set forth herein and the payment by the Company of all administrative, legal and other fees of the Agency.

SECTION 8. No covenant, stipulation, obligation or agreement contained in this resolution or any document referred to herein shall be deemed to be the covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity. Neither the members nor officers of the Agency, nor any person executing any documents referred to above on behalf of the Agency, shall be liable thereon or be subject to any personal liability or accountability by reason of the execution or delivery thereof.

SECTION 9. Should the Agency’s participation in the Project, or the appointments made in accordance herewith, be challenged by any party, in the courts or otherwise, the

Company shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all losses arising from any such challenge including, but not limited to, the fees and disbursement of the Agency's counsel. Should any court of competent jurisdiction determine that the Agency is not authorized under the Act to participate in the Project, this Resolution shall automatically become null, void and of no further force and effect, and the Agency shall have no liability to the Company hereunder or otherwise.

SECTION 10. Bousquet Holstein PLLC, as counsel to the Agency, is hereby authorized to work with the Company and others to prepare for submission to the Agency, all documents necessary to effect the grant of Financial Assistance and consummate the Lease Documents.

SECTION 11. The Secretary, the Chief Executive Officer and/or the Chief Operating Officer of the Agency are hereby authorized and may distribute copies of this Resolution and do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

SECTION 12. The approvals provided for herein are contingent upon the Company's payment of all the Agency's fees and costs, including but not limited to attorney's fees.

SECTION 13. This Resolution shall take effect immediately.

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Michael Torelli	✓			
Dean Tamburri	✓			
Vincent Odock	✓			
James Rinaldi	✓			
Susan Walski	✓			
Marc Greene	✓			
Giovanni Palladino	✓			

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

I, the undersigned Chief Executive Officer of the Orange County Industrial Development Agency, **DO HEREBY CERTIFY**:

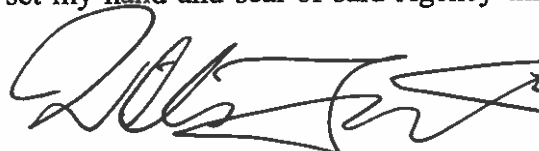
That I have compared the foregoing extract of the minutes of the meeting of the Orange County Industrial Development Agency (the "**Agency**") including the resolution contained therein, held on December 21, 2022, with the original thereof on file in the office of the Agency, and that the same is a true 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.

21st IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Agency this
day of December, 2022.



William Fioravanti, Chief Executive Officer

(S E A L)

EXHIBIT A

Public Hearing Minutes & Notice of Public Hearing

[See Attached]

ORIGINAL

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

-----x

3 In The Matter of

4 Re: MACK BROS. LTD

5 -----x

6 November 19, 2022
7 4:00 p.m.
8 Town of Goshen Town Hall
9 41 Webster Avenue
10 Goshen, New York

11 B E F O R E: WILLIAM FIORAVANTI
12 CEO OCNYIDA
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20
21

22 FRANCES ROTH
23 Court Stenographer
24 168 North Drury Lane
25 Newburgh, New York 12550
Telephone (845) 566-1641

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

3

4 WILLIAM FIORAVANTI
5 CEO OCNYIDA
6 4 Crotty Lane
7 New Windsor, New York 12553

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ALSO PRESENT: Marty Borrás
Administrative Assistant

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1 MR. FIORAVANTI: Good afternoon everyone,
2 thanks for being here. My name is Bill
3 Fioravanti, I'm the C.E.O. of the Orange County
4 Industrial Development Agency and we are here for
5 the public hearing for Mack Bros. otherwise known
6 as Milmar Foods. Thank you all for being here
7 again. Let me just make a couple introductions
8 and then we'll get to the Pledge and the rest of
9 our agenda. Again, my name is Bill Fioravanti,
10 Director of the Orange County Industrial
11 Development Agency. I have Marty Borrás from the
12 I.D.A. as well, Miss Frances Roth is our
13 stenographer for today, the applicant,
14 representing the applicant is Mr. Roy Makinen
15 from Milmar/Mack Bros., Mr. David Higgins is the
16 engineering consultant and Mr. John Cappello is
17 legal representation. So they may contribute to
18 a small portion of the presentation, we're not
19 going to have a lengthy presentation, just want
20 to make sure everyone understands the project,
21 the scope of it, what's being considered for
22 incentives. And then when I've run through a few
23 things I'll open up to public comment. Just to
24 make the announcement one more time, I believe
25 everyone did sign in but if you do want to speak

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1 please sign on the pad there. And I'd like to
2 start with the Pledge of Allegiance please, if
3 you would stand for the Pledge, the flag is to my
4 right.

5 (Whereupon, the Pledge of Allegiance was
6 recited.)

7 MR. FIORAVANTI: Thank you. Before I get
8 into this matter, it's going to be I think a
9 little more common practice for us here at the
10 Orange County IDA, we're trying to do a much
11 better job of helping to educate the public about
12 exactly what we do, make sure because there's a
13 lot of misunderstanding about exactly the role of
14 the IDA and the types of incentives that we
15 offer. So I just want to go through a couple
16 things. First of all, and these details will be
17 in the public hearing notice that was put out
18 several weeks ago, but first of all, this
19 applicant is looking for what I'd like to call
20 the three-legged stool of IDA benefits and this
21 is basically all we offer, the IDA itself. We
22 have a sister agency, the Orange County Funding
23 Corporation through which we can offer, issue tax
24 exempt revenue bonds and such, but with the IDA,
25 there's three possible benefits, a sales tax

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1 exemption that's for building materials, for
2 equipment, for furniture, fixtures for a project.
3 Of course in Orange County we have an
4 8.125 percent sales tax, they can be exempted
5 from that during, for the scope of their project.
6 The second is mortgage recording tax exemption,
7 on a commercial mortgage for a project such as
8 this one there is a tax of 1.05 percent on the
9 principal of the mortgage that's being taken, we
10 can exempt that as well. The third benefit
11 again, the third leg of this stool is a, what's
12 commonly known as a PILOT, Payment In Lieu Of
13 Taxes, or a property tax abatement and the term
14 abatement really just means phase in. It is in
15 lieu of taxes meaning rather than this project
16 being assessed like our homes are every year,
17 what's it worth, what are the taxes going to be
18 and that can deviate every single year, this
19 provides certainty, predictability and a clear
20 payment schedule for the applicant if approved of
21 course. The idea of a phase in, I want to be
22 clear that taxes never go down, they only go up,
23 we don't write anyone checks, we don't provide
24 any grants, nothing like that, it's just savings
25 on taxes for the investment of this project. The

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1 property tax abatement for the most part usually
2 starts where whatever the, in the case of land,
3 raw land and construction project being built
4 from the ground up there, the taxes usually start
5 at whatever that lien is generating in taxes
6 right now and they will go up over the term of
7 the PILOT, in this case because it's a
8 manufacturer and per our tax exempt policy we
9 are, the applicant can apply for a 15 year PILOT
10 so over the course of 15 years the taxes will go
11 from what they are now to what they'll be full
12 boat and I'll give you that number in a moment,
13 and they go up usually gradually typically in a
14 straight line type of a progression there. Just
15 to clarify a couple other misunderstandings,
16 these are all new, what I'll call incremental
17 taxes that will result from this project. If
18 this project doesn't happen the taxes don't
19 materialize because we're giving them a savings
20 or a phase in of those property taxes, no other
21 resident, constituent or business shoulders the
22 remainder of the taxes, there's no such thing.
23 There are less that are being charged to this
24 applicant over that period. Again, there's no
25 remainder to be made up by any other taxpayer in

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1 the town or otherwise. Special districts, so
2 fire, ambulance, police, those are, they're a
3 special district that taxpayers pay into to fund
4 those services. With a PILOT or again a property
5 tax abatement or any of these other benefits, the
6 applicant cannot avoid any of those special
7 district payments ever. So those will be paid in
8 full from the get-go always, the new incremental
9 special district taxes will be covered. The then
10 the last piece I'd like to point out is sometimes
11 I think it can be confusing, it can be, it can
12 give I think a challenging perspective of the
13 fact that projects that come to the IDA also go
14 usually through the planning board approval
15 process. And they're doing that simultaneously,
16 sometimes they're completing the planning board
17 process before they even come to us and that is
18 for a reason. IDAs are not allowed to award
19 benefits, incentives to any sort of project until
20 that project has a determination through the
21 SEQRA process. And those, I think people here
22 understand, know what that acronym is, that's the
23 State Environmental Quality Review Act, New York
24 State's very stringent environmental impact
25 assessment process, an environmental review and

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1 approval, the New York State General Municipal
2 Law requires that an applicant go through the
3 SEQRA process and get a determination as to
4 positive or negative, you'll hear about positive,
5 it is determined it will have an environmental
6 impact, negative if it does not. Either way they
7 need a determination before the IDA can award
8 benefits. The challenge with that what I
9 consider a catch 22 if I can use that term is
10 that it appears often to the public and to all of
11 us that while they're going through the approval
12 process, they must be, they're going to do this
13 anyway, they don't need any sort of incentive.
14 Again, I understand that perspective, that
15 perception but again, the fact is that they
16 cannot even have IDA benefits unless they go
17 through that process. So that was just one of
18 the other things I wanted to clarify. Next I'd
19 like to read the notice of public hearing. This
20 was put out in the newspaper, put on our website,
21 and a few other venues in order to make sure the
22 public is aware of it, it is wordy but please
23 allow me to read it in full. Notice is hereby
24 given that a public hearing pursuant to Article
25 18-A of the New York General Municipal Law will

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1 be held by the Orange County Industrial
2 Development Agency, the Agency, on November 17,
3 2022 at 4:00 p.m. local time in the Town of
4 Goshen Town Hall, 41 Webster Avenue, Goshen, New
5 York, in connection with the following matter.
6 Mack Bros. Ltd, a New York corporation for itself
7 or on behalf of an entity to be formed,
8 collectively to be known as the Company herein,
9 requested the Agency undertake a project known as
10 the Project, consisting of: (A)(i) the
11 acquisition of a leasehold interest in
12 approximately 60 acres of improved real property
13 located at One 6 1/2 Station Road, tax map number
14 12-1-13.2 and 2564 State Route 17M, tax map
15 number 12-1-13.1, Goshen, New York, collectively
16 to be known as the Land herein; (ii) the
17 demolition of approximately 5,000 square feet of
18 the existing approximately 60,000 square foot
19 building, known as the Building, used as a frozen
20 food manufacturing facility and the construction
21 of an approximately 40,000 square foot addition
22 to the Building to provide for among other things
23 a new loading dock, refrigerated refuse area,
24 freezer space, processing area, two manufacturing
25 areas and office space and the renovation of

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1 certain portions of the existing Building
2 including but not limited to the packaging,
3 processing, storage and freezing areas,
4 collectively with the Building known as the
5 Facility; (iii) The acquisition and installation
6 in and on the Facility of furniture, fixtures and
7 equipment, collectively the Equipment, and
8 together with the Land and the Facility, known as
9 quote the Project Facility; (B) The granting of
10 certain financial assistance in the form of
11 exemptions from State and local sales and use
12 tax, mortgage recording tax and real property
13 tax, collectively the Financial Assistance; (C)
14 The appointment of the Company or its designee as
15 an agent of the Agency, the IDA, in connection
16 with the acquisition, construction, equipping and
17 completion of the Project Facility; and (D) The
18 acquisition of an interest in the Land and
19 Facility by the Agency pursuant to a lease
20 agreement and the acquisition of an interest in
21 the Equipment pursuant to a bill of sale from the
22 Company to the Agency; and the sublease of the
23 Project Facility back to the Company pursuant to
24 a lease back agreement. The Company will be the
25 initial owner or operator of the Project. The

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1 Agency will at the above-stated time hear all
2 persons with views with respect to the proposed
3 Financial Assistance to the Company, the proposed
4 owner/operator, the location of the Project
5 Facility and the nature of the Project. So those
6 are what comments should be about, this project
7 as it pertains to potential financial incentives
8 from the IDA. A copy of the application filed by
9 the Company with the Agency with respect to the
10 Project including an analysis of the costs and
11 benefits of the Project are available for public
12 inspection during the business hours at the
13 office of the Agency located at 4 Crotty Lane,
14 Suite 100, New Windsor, New York 12553 or on its
15 website at <https://www.ocnyida.com>. I'd like to
16 underscore those facts for those that don't know
17 our office is currently located at the Stewart
18 Airport Campus, 4 Crotty Lane is basically at the
19 top of the hill, at the top of the campus but our
20 website is designed and constantly improved to be
21 ever transparent for everything that we do, every
22 project comes before us, every detail is posted
23 on that website. Again, that's www.ocnyida.com.
24 You go to the home page right away first of all
25 you'll see an opportunity to link for the

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1 livestream of this event of any of our, of all of
2 our meetings are public by the way, you can
3 access the livestream from the home page and you
4 can also go to the active projects section,
5 there's a menu at the top, active projects and
6 you look at new, any project that's not only
7 currently being considered by the IDA but any
8 that is under is the term of their incentives is
9 still active. If somebody got a 15 year PILOT 14
10 years ago, the information for that project will
11 be on our web page until the 15th year term runs
12 out. If you want information on a past project
13 that is not considered active and is on our
14 website we will give you any piece of information
15 you or anyone else wants. Transparency is the
16 name of the game with the IDA so I wanted to be
17 clear about that. Just a couple other things.
18 The IDA for a projects like this our board of
19 directors is considering, we always do a cost
20 benefit analysis so, and using a tool that's a
21 proven tool used in the industry, this is
22 actually a new version that we purchased last
23 year from a group called MRB Group, they
24 specialize in this type of work, basically what
25 we'll do is we enter all of the project

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1 information, construction jobs, budgets, what the
2 taxes on the land would be without the project,
3 what the taxes would be with the project without
4 the incentives, every detail of the PILOT, again,
5 the abatement schedule, everything is included
6 there and basically in the end it spits out what
7 it considers to be various values. First of all,
8 the sales tax exemption being requested by Mack
9 Bros./Milmar, the value that they estimate based
10 upon their budget, again, building materials,
11 furniture, fixtures, equipment, et cetera, that
12 total projected sales tax exemption is \$487,500.
13 The mortgage recording tax, again, the
14 1.05 percent off the principal of the mortgage
15 that's \$75,000 and the PILOT over the course of a
16 15 year PILOT which again is what the IDA
17 currently makes available for applications for
18 manufacturers over the entire course of the 15
19 year PILOT the applicant would pay, make payments
20 even though they're getting a tax break they will
21 be making incremental tax payments during the
22 whole term and those payments total projected to
23 be \$3,972,054.46, again, just shy of \$4 million.
24 And I want to be clear this is just on the
25 expansion that Milmar/Mack Bros. is doing, not on

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1 the existing facility, none of those taxes
2 change, they never go down, when a PILOT expires
3 the taxes can never go down again or be exempted
4 or abated ever again. So they will be paying a
5 total of almost \$4 million in payments, there
6 will be a saving over that term however of
7 \$2,246,324.96, so the total value of incentives
8 that this applicant if approved would benefit
9 from would be \$2,808,824.96, so certainly
10 considerable incentives. In order to create,
11 they're projecting 50 jobs is what they're
12 committing to over the course of the next three
13 years and quite frankly that adding to our
14 property tax base here in the Town of Goshen and
15 further supporting and enabling the growth of a
16 quality employer here in the town, that's the
17 intention, that's the reason we even consider
18 these incentives, but again there's certainly
19 value to them. I believe I mentioned this
20 earlier, not sure if everyone else was in the
21 building, but there's a copy right here in front
22 if you want to come up for the cost benefit
23 analysis as well as the PILOT schedule which
24 really just says that year by year over the 15
25 years what the applicant would be paying if this

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1 PILOT among the other benefits is approved. One
2 other thing I will point out in year 16 when this
3 PILOT expires the taxes are due to be \$483,948 so
4 the taxes from that point year 16 it will be that
5 and only going up from there unless Mr. Betro
6 decides to lower the taxes for the municipality
7 but taxes generally go up as a rule of course so
8 that's the case. And I will also add special
9 districts over the course of the PILOT again they
10 will pay special district taxes in full, they
11 will be contributing \$216,216.89 to those special
12 district funds. Again, the cost benefit analysis
13 now, the total cost of the incentives \$3,025,042,
14 local benefits a value of \$77,791,630, these are
15 the benefits to us based upon the jobs,
16 construction, permanent taxes being paid, et
17 cetera, total benefit to the state and region
18 \$81,713,063, so it's roughly \$82 million
19 projected economic impact as a result of this
20 project. And that impact is just during the term
21 of the PILOT. They will be creating value
22 through jobs for years to come and property taxes
23 paid but just during the period of the PILOT
24 again the value, the benefit to the state and to
25 the local municipality is \$81,713,000. Lastly,

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1 we do a benefit to cost ratio so you know based
2 upon what it's costing us, again, what were the
3 incentives that would be given if approved versus
4 the actual benefits, the economic impact benefits
5 locally with a benefit of just under \$67 million
6 to us, and a cost of \$2,429,000, that locally the
7 benefit to cost ratio is 28 to one. So we
8 project an economic impact and benefit to the
9 local area of 28 times the value of the
10 incentives. The state however it's a lower
11 amount, less value to the state and they're
12 giving up more of a sales tax exemption, the
13 benefit to the state is \$3,379,707 at a cost of
14 \$310,000, the benefit to cost ratio statewide is
15 11 to one so the value of the incentives is 11
16 times the value of the incentives is what will be
17 the benefit locally here. So we're going to get
18 to public comment in a moment. The only other
19 thing I'd like to add is the fact that this is
20 not, this is a public hearing, this is not a back
21 and forth. I want to give all full respect and
22 time to people that come up, make their comments,
23 but if you have a question or a comment that
24 maybe is deserving of a response, I'll write
25 those down, I'll save all of those till the end

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1 and I may ask the applicant to respond to a
2 question or comment or I may not but I may based
3 upon what we hear. Make sure we've covered
4 everything else. And I already know, Fran, I'm
5 talking too quickly for you but we have a
6 recording for you as needed, you and I go way
7 back as this has been a longstanding problem that
8 I've not fixed, but we're keeping things moving.
9 With all that said, I'm going to grab this if I
10 can reach it, and our first two gentlemen, we'll
11 actually hear from the applicant so I don't know
12 who would like to speak first, we don't need a
13 long presentation but we want to make sure people
14 understand the project itself, the scope, the
15 scale, et cetera. Mr. Cappello, why don't you
16 start.

17 MR. CAPPELLO: Good evening, late afternoon,
18 John Cappello, as Bill said, with Jacobowitz &
19 Gubits, I'm here on behalf of the applicant to
20 present what we believe is an exciting
21 opportunity for the Town of Goshen, the County of
22 Orange and State of New York. I also have here
23 with me Dave Higgins, the engineer, who I will
24 turn this over to very quickly because he will
25 explain exactly what the project is, he's been

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1 involved since day one, and Roy Makinen, who is
2 with Mack Bros./Milmar Foods, who is here to
3 discuss the history of this company. He's been a
4 long time Goshen resident who has been providing
5 jobs in Goshen and is looking, seeking to upgrade
6 and expand their operations to improve and
7 upgrade the facilities, make them more
8 competitive and also provide as Bill said
9 approximately 50 new jobs to the area of people
10 who will hopefully come, will stay in the area,
11 will be part of the community and help make
12 Goshen and our area a more diverse community.
13 The benefits that we'll receive will help offset
14 the cost and really make this project go, I don't
15 have to tell anyone in the office, you know, in
16 this room what has been happening with inflation,
17 with interest rates on any loans, with Covid and
18 the loss and the need to upgrade your work force,
19 all of those have just increased the cost
20 enormously on any project. So these IDA benefits
21 will help offset those costs and it also helps I
22 believe the purpose that the state formed an IDA
23 was to make our state one, more competitive, two
24 allow people who are investing in our state to
25 have some opportunity when they're initially

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1 taking the construction loan and doing the
2 buildup to catch up, to get fully operating, get
3 employees fully there, get their operations fully
4 functional. You don't start operating like that
5 the day you make improvements. The prorating of,
6 and the abatements of taxes and some of the fees
7 over a time will allow them to pay more as they
8 begin operation, as they get their feet on the
9 ground and begin operating. I believe that is an
10 important purpose of the IDA. And the third and
11 it can't be understated enough this project
12 because it will receive IDA benefits, if it does,
13 will be required to use local labor. So instead
14 of people coming from Tennessee who will come and
15 have no commitment to the community, come here,
16 do cheap labor, build it and leave, you will be
17 helping promote and provide more jobs and
18 benefits for your local labor force to help build
19 it and keep those businesses and keep that money
20 in our community. The money they make building
21 this they will likely spend in our community
22 which is one of the benefits as Bill said. And
23 they will also be paid good New York wages versus
24 Tennessee wages. So I think all of that adds up
25 to allow a really great upgrade to the facility

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1 to provide people to provide more diversity to
2 our community, to provide the types of jobs we
3 need. I would say that these are some management
4 jobs, manufacturing jobs, this is not a
5 warehouse. As someone who goes around this area
6 a lot that word has become that this is
7 manufacturing, this is the type of development I
8 hear every day people say this is the type of
9 development we need in the area. It's someone
10 who has made a commitment to this community
11 already who will be able to continue to do it
12 hopefully for another generation and do it in a
13 competitive manner. So with that, I'm going to
14 have Dave briefly go through the logistics of the
15 actual project.

16 MR. FIORAVANTI: If I could, Mr. Higgins,
17 before you start, I want to just touch on a
18 couple things that Mr. Cappello said. First of
19 all, local labor, that's local construction
20 labor, the Orange County IDA has had since 2016 a
21 local labor policy that requires that if you get
22 incentives, any incentives from the IDA that
23 85 percent of your construction labor needs to be
24 from the local work sheds we call it, it's not
25 locally meaning not just Orange County, we

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1 frankly could not possibly provide enough workers
2 just from Orange County, the local work shed
3 really is defined as the seven county region
4 basically from here, Sullivan County, Ulster
5 County, all the way down to Westchester, so those
6 counties. And the second piece I want to make
7 sure people understand is there's a new law that
8 was passed by New York State in effect as of
9 January 1, 2022 for prevailing wage, that any
10 project, construction, commercial construction
11 project that is over a \$5 million budget,
12 construction budget, land acquisition and such
13 and if it's over \$5 million and if more than
14 30 percent of the budget for the project comes
15 from public sources, IDA benefits, state grants,
16 whatever it might be, then that construction
17 project must be built by prevailing wage. So the
18 laborers that are on-site must make prevailing
19 wage, not necessarily union but union certainly
20 prevailing wage but it must be prevailing wage
21 and that is in effect on this project from what
22 we see in the plans. Just wanted to be clear.
23 Sorry about that, Mr. Higgins.

24 MR. HIGGINS: No problem. Thank you. Good
25 afternoon, David Higgins from Lanc & Tully

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1 Engineering and Surveying. We have been working
2 with Milmar on this project for many, many months
3 and also have been in front of the planning board
4 many times to progress this plan through their
5 approval process. Just to give a brief rundown
6 of the project, this is tax lot 12-1-13.2, it's
7 approximately 18.7 acres, it's located on the
8 north side of New York State Route 17M and on the
9 west side of 6 1/2 Station Road, property's known
10 as One 6 1/2 Station Road in Goshen, it's in the
11 town's ORI district which, and the CO district
12 which is a commercial office mixed use district
13 and food processing use is permitted with a
14 special use permit by the planning board. This
15 map that we have here represents the existing
16 conditions for the site. This is an aerial
17 overview and I'll take the clips off here, so
18 this shows the existing facilities. Basically
19 right now they total 61,104 square feet, they are
20 in need of some renovation and certainly
21 expansion to meet Milmar's needs as they progress
22 into the future with expanded growth and to meet
23 standards for all the food processing
24 requirements that come out of that. They do have
25 access off 6 1/2 Station Road, there's right now

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1 three means of access, some parking areas up
2 front, pavement right now is in a various state
3 of condition, some of the areas need to be
4 renovated. And so we have a plan here, I'll turn
5 the page over, so this is an overview of
6 essentially the site plan that we have before the
7 planning board. And basically just to highlight
8 some of the building additions that are proposed,
9 this is a 27,762 square foot freezer which is
10 located on the west side of the site. Currently
11 Milmar uses an off-site freezer, I believe it's
12 actually in New Jersey, so they wanted to bring
13 the freezer space here, basically avoid truck
14 trips from here to the off-site facility in New
15 Jersey and back and forth. There's also a 9,110
16 square foot production room which is located on
17 the south side of the building, and then some
18 other facilities, a 1,276 square foot dry storage
19 room, a 1,276 square foot dock office, in this
20 area where there's an existing barn right now
21 that is going to be demolished they're putting a
22 2,251 square foot test kitchen with two chef
23 offices and then there's some other various
24 facilities around the back, there's a packaging
25 room, a trash refuse room and then some

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1 miscellaneous corridors and whatnot that connect
2 all these spaces. Up front the planning board
3 has us basically looking to improve the
4 aesthetics of the site from 6 1/2 Station Road
5 and 17M so we have some landscaping improvements,
6 we're going to be abandoning one of the entrances
7 and just have a truck entrance in the back and
8 parking area up front. So one of those entrances
9 is being removed and we are providing some
10 additional parking around the facility around the
11 back end. Right now the current site has 95
12 parking spaces, with the improvements up here and
13 the additional parking around the back of the
14 building we're going to increase that to 162
15 parking spaces. There's improved accessibility
16 around the building, we're basically going to be
17 paving, replacing the gravel drive with pavement
18 and basically improve circulation around the
19 building which is important for emergency vehicle
20 access. There will be an underground storage
21 facility for water and fire protection service,
22 we have that right now, the size is a 30,000
23 gallon underground storage tank, there's also
24 some landscaping improvements on the periphery of
25 the facility so that was also again something the

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1 planning board was looking for. There are
2 several other permits and approvals that we do
3 need to obtain in addition to the site plan and
4 special use permit that we need to obtain from
5 the planning board. There's a nationwide permit
6 from some wetlands disturbance from the U.S. Army
7 Corps of Engineers that's under a tenth of an
8 acre that qualifies as a nationwide permit with
9 the Army Corps. We will need to get a permit
10 from the New York State DEC for storm water SPDES
11 and the project was referred to the Orange County
12 Department of Planning under the GML-239M
13 regulations. With regard to the SEQRA act, the
14 planning board acted as lead agency and they
15 granted a negative declaration on July 21, 2022,
16 we are right now in the process of finalizing
17 site plan approval and special use permit
18 approval with the planning board, they have
19 resolution conditional approval prepared
20 according, we're just going through those last
21 items so we believe that we will have that closed
22 out with the planning board probably in the next
23 one to two months I would say. So with that, I
24 will hand the presentation over to Roy Makinen
25 from Milmar who can provide some additional

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1 information.

2 MR. FIORAVANTI: Very good, thank you, sir.
3 Mr. Makinen?

4 MR. MAKINEN: Thank you very much. First of
5 all, thank you very much to the board, thank you.
6 Inflation, it was very well said, costs, wages,
7 everything is going up so quickly and we want to
8 grow, we want to stay here, we want to grow. We
9 have 240 people, we'd like to bring the other 50
10 people in. We'd like to get out of New Jersey,
11 we'd like to bring everything out to our own
12 property. We have 60 acres but we're only using
13 the 18 acre parcel. Again, we can bring the
14 people in a lot quicker with your help and we'd
15 greatly appreciate it. It's a family business,
16 we've been here since 1989 and we're looking to
17 grow and stay here.

18 MR. FIORAVANTI: Can you tell us how many
19 current employees you have right now?

20 MR. MAKINEN: 240.

21 MR. FIORAVANTI: A lot of people don't
22 realize that, that is kind of tucked away there,
23 not everyone realizes that. Okay, very good
24 thank you.

25 MR. MAKINEN: Thanks very much.

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1 MR. FIORAVANTI: Without further ado, I'm
2 going to open it up for public comment, start
3 right with County Legislator Michael
4 Anagnostakis.

5 MR. ANAGNOSTAKIS: Where would you like me
6 to speak from?

7 MR. FIORAVANTI: Right in the front.

8 MR. ANAGNOSTAKIS: Thank you for having me
9 here, first of all, thank you board member for
10 having me here. And as you know, I'm Orange
11 County Legislator Mike Anagnostakis but I'm also
12 Senior Advisor to Senator James Skoufis. And I
13 want to make it clear I'm representing him today
14 here. Anyone that knows me knows that any time I
15 speak it's off the cuff, I never have anything
16 written down, but this time I will read exactly
17 what the words and the sentiment of the Senator
18 are so I have no misunderstandings at all.

19 MR. FIORAVANTI: Very good.

20 MR. ANAGNOSTAKIS: So Senator Skoufis
21 strongly opposes, is opposed to the Payment In
22 Lieu Of Taxes for the Mack Bros. project.
23 Besides the fact that Mack Bros.' application
24 cites a one percent estimate of sales within
25 Orange County, a \$60 million projection of income

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1 within their first three years of operation and
2 that Mack Bros. is already getting \$7.2 million
3 in USDA and ESD grants for this project, the
4 simple matter of fact is that the applicant
5 concedes on their application that they would in
6 fact move forward with this project regardless of
7 if they received an IDA incentive or not.
8 Nothing more needs to be considered. IDA
9 benefits when applied properly which this IDA
10 regularly do not do abide by the "but for" clause
11 of economic development, but for this incentive
12 the project would not happen. The fact that a
13 definite no has not already been communicated to
14 the applicant by the IDA staff is alarming but
15 unsurprising given the agency's history of
16 disregarding taxpayers. If the IDA approves a 15
17 year PILOT or any PILOT at all for a project and
18 jobs that are unquestionably going to move
19 forward regardless of an incentive that would be
20 more of the same, borderline criminality and
21 shameless graft coming out of this IDA. We look
22 forward to the new jobs Mack Bros. will create
23 and to their continued operation in Goshen. Our
24 office, the Senator's office, remains a partner
25 to all local businesses and we look forward to

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1 the future success and endeavors here in Orange
2 County so long as it is not needless and on the
3 backs of property taxpayers. Senator Skoufis
4 urges the Orange County IDA to reject, to reject
5 the PILOT and finally do the right thing for the
6 taxpayers of Orange County. Thank you for your
7 time. May I hand this in for the record?

8 MR. FIORAVANTI: Please. Thank you, sir.

9 MR. ANAGNOSTAKIS: Thank you.

10 MR. FIORAVANTI: Next would be Legislator
11 James O'Donnell, County Legislator.

12 MR. O'DONNELL: Thank you, appreciate it.
13 Thank you, sir, for since '89 coming to Goshen,
14 coming to Orange County in spite of the fact that
15 New York State ranks 49th out of 50 in doing
16 business. Alright, the reason we have IDAs is
17 because of that fact. If the senate, the
18 assembly and the governor's office would fix that
19 then perhaps we wouldn't need IDAs. This is the
20 second time I've heard Senator Skoufis say
21 borderline criminality. I don't know exactly
22 what that means, borderline, but in case you've
23 done anything criminal my background is the state
24 police and five years as a chief of the police of
25 the MTA, if he's got anything criminality wise

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1 please bring it forward forthwith. As you know,
2 I was the leader of recovering \$1.3 million of
3 the IDA, the past board. I want to congratulate
4 the current board and you as doing the right
5 thing stepping up and serving the public. And
6 for you, sir, bringing 50 more jobs to the County
7 of Orange you should be congratulated on that and
8 also for hiring local companies to help you to
9 get this successfully and continue your business
10 that has been a cornerstone of our community
11 since '89. Alright, again, Senator Skoufis is a
12 hard working guy, he's in charge of
13 investigations though, alright, he has the
14 subpoena power, he has a lot of influence in
15 Albany. I wish he would have went after the
16 previous IDA board as much as he talks about
17 borderline criminality which is just ridiculous
18 as far as putting a stain on the good people that
19 sit on the board now and yourself, I find that
20 borderline criminal. Alright, I do find it
21 disgraceful. So if he's got anything, put it on
22 the table. Again, sir, congratulations, thank
23 you.

24 MR. FIORAVANTI: Thank you, Mr. O'Donnell.

25 Next is Zach Constantine.

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1 MR. CONSTANTINE: Thank you, Bill, it's good
2 to see you. Thank you for your transparency in
3 putting together this meeting, I was glad I was
4 able to make it. I will be brief. I do want to
5 echo Senator Skoufis' calls here to reject this
6 PILOT. I think that there's a couple concerns
7 that come to mind. I'm here today as a resident
8 of this community. What comes to mind after
9 hearing some of the speakers that went before me
10 here is that the people who really invest in our
11 state, in our community year after year, month
12 after month, are the taxpaying residents of
13 Goshen. I heard inflation mentioned, inflation
14 is a factor, and those folks, those taxpaying
15 residents deserve a break for those very same
16 reasons. And even though Milmar wouldn't
17 necessarily be getting a tax cut that would raise
18 the taxes of local residents, is local residents
19 tax payments that won't be offset by the
20 contributions of a larger business if they paid
21 their fair share like all of us do. And that's
22 why I'm particularly concerned about this
23 project, they're getting assistance already, many
24 other ways, assistance that smaller and medium
25 size businesses don't often have access to. And

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1 on that point, there are far too many small and
2 medium size businesses, even some right here in
3 Goshen that do have a barrier to entry as far as
4 doing things that they want to do with their
5 projects and that's why the disregard for the
6 "but for" clause in this particular project is
7 really troubling to me. That is something that
8 this body is held to specifically to make sure
9 that we are attracting the types of businesses
10 that we otherwise would not have. I do thank you
11 for everything you've done for the community of
12 Goshen and being a part of our community for so
13 many years but you're here and there are several
14 other projects that potentially could be here
15 that we could be working very hard to attract to
16 make sure they come here and stay here if they
17 were given the incentives that they need. So
18 while this board is going out of their way to
19 provide transparency now and put information on
20 the website and share these details with
21 residents, the residents of this community would
22 benefit so greatly from more ratables from a
23 business of this size coming on the tax rolls
24 paying their fair share and being held to the
25 same standards as everybody else. The PILOT is

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1 simply too large for far too many years for it to
2 really benefit the community as a whole when they
3 would benefit so much more if this business
4 that's still going to be here paid their fair
5 share. So I do want to echo the claims of
6 Senator Skoufis, I think this PILOT should be
7 rejected or changed.

8 MR. FIORAVANTI: Thank you, Mr. Constantine.
9 And lastly, Katie Lancellotti.

10 MS. LANCELOTI: So thank you and thanks
11 for the opportunity to speak. As Bill said, I'm
12 Katie Lancellotti, I represent the Orange County
13 Partnership. I am here today to express our
14 unwavering support of this project. As a local
15 family owned business that's expanding and
16 continuing to contribute to the Town of Goshen
17 this company which is in an industry that we are
18 constantly trying to attract and trying to keep
19 here is desiring to stay here in Orange County
20 and not only stay here but continue to thrive
21 here which they have done since the late '80s.
22 So I just wanted to be brief, just say that we
23 continue to support their continued growth and
24 their request for incentives to keep them here
25 and to expand with their workforce space.

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1 MR. FIORAVANTI: Thanks very much, Katie. I
2 have no other folks signed up to speak so unless
3 I hear anything else?

4 MR. CAPPELLO: I just wanted to clarify
5 something for the record that was said. I know
6 there's comments that well, they're here already
7 but they've stated that it may be many years from
8 now that they may be able to do this expansion
9 and upgrade. So to punish someone who's made a
10 commitment to the area to try to attract
11 something outside and new really makes no sense
12 if we want to help those who have invested in our
13 community. And I know from a legal perspective
14 I've always been taught in marketing your best
15 market is the people, your clients who already
16 know the work you do instead of looking outside
17 and trying to go, this is the same here, this is
18 someone you know who's already made a commitment
19 here who's telling you and told you on the record
20 and been honest with you to say yes, we may do it
21 but we're not going to do it for several years
22 because we will not be able to do it and
23 therefore those jobs that are in Jersey will stay
24 in Jersey and not come to New York. And the
25 other thing I really think is important to know

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1 because I've represented a number of developers
2 in this region who have been faced with this
3 situation who have been faced with opposition and
4 what have many of them have done, many of them
5 have looked and said well I can get the 485-b tax
6 exemptions which is still going to abate my taxes
7 which is very seldom mentioned here and how am I
8 going to make up the difference? I'm going to go
9 hire those people in Tennessee or Pennsylvania
10 and who are going to work for much cheaper labor,
11 they're going to take their checks when they make
12 their checks they're going to go back to
13 Tennessee, back to Pennsylvania, they're going to
14 shop, they're going to eat in restaurants in
15 Tennessee and Pennsylvania, they're going to
16 educate their kids in Tennessee and Pennsylvania,
17 they're going to pay for karate instruction and
18 dance instruction for their children in Tennessee
19 and Pennsylvania, while the workers on IDA
20 projects who use local labor that money will go
21 here and it will help union workers, it will help
22 labor and it will help our force. So the
23 argument I'm hearing almost is forget about no,
24 New York, let's use outside labor, build it
25 cheaper because, and that's not benefiting your

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1 taxpayers at the end of the day and it's hard,
2 but I've seen it, I've seen it in action and
3 that's what happens. Now I'm not saying Milmar
4 is going to do it. They committed they want to
5 use local labor but this is what you're faced
6 with and this is the purpose of the IDA is to
7 keep those jobs in New York and to keep employing
8 New Yorkers instead of looking outside.

9 MR. FIORAVANTI: I appreciate that, John.
10 And I will underscore a couple of your points.
11 First of all, that to the "but for" clause, the
12 applicant, to be clear, the public, everyone in
13 attendance, the applicant did respond saying that
14 they would expect that if they didn't get the
15 incentives they would hope to continue with the
16 project but as John said, is outlining, it
17 wouldn't be for several years. So the IDA if
18 they were to approve the incentives the
19 motivation frankly would be to realize the jobs
20 and multiplier effect that Mr. Cappello is
21 talking about, the 75 percent of one's earnings
22 are spent locally, to be able to realize those as
23 well as adding the incremental taxes, the
24 property taxes they will be paying throughout the
25 term of the PILOT and at full boat so to speak

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1 going forward, so that's the only reason the IDA
2 would consider those benefits even if they're
3 saying the project would, they would contemplate
4 it going forward. And just to again touch on
5 what Mr. Cappello said about the 485-b, so for
6 anyone in attendance or in the public that's
7 tuning in that is not aware, a 485-b is I like to
8 describe it simply as half a PILOT essentially
9 and it's as of right, meaning that any commercial
10 construction project in New York State has a
11 right to apply for a 485-b, and by the way, it's
12 not much of an application process, you typically
13 go to the municipal clerk, town clerk lets say,
14 you fill out a form and that's it. It is as of
15 right and again, in New York how it works
16 typically you, an applicant if they get a 485-b
17 they would start paying taxes at 50 percent of
18 the ultimately new tax rate starting at
19 50 percent. And those taxes will increase
20 five percent a year over ten years until they get
21 to the full boat again. So, however, it's as of
22 right and there are no restrictions, no strings
23 attached so to speak, unlike IDA benefits, where
24 again we have our local labor policy so you would
25 have to use 85 percent local labor. Again, with

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1 485-b, they're free to do whatever they like.
2 Also the prevailing wage law applies because of
3 these incentives tip the scale in terms of
4 triggering the requirement for local construction
5 laborers to be paid by prevailing wage so I think
6 that's important to point those out. I'm glad
7 that you did clarify that, Mr. Cappello. And
8 that those are the types of factors that I think
9 motivate the IDA board to consider these. So
10 I'll just open it up one more time on the floor
11 if anyone wants to make additional comments or
12 anyone else? Mr. Betro, if you wanted to say
13 something please, Mr. Supervisor?

14 MR. BETRO: Just a couple of questions,
15 sure, for the record. Since the Goshen residents
16 are paying for this IDA benefit, can you tell me
17 how many employees of the 230 live in Goshen?

18 MR. MAKINEN: No, I could not right now. I
19 honestly could not. I could look it up for you.

20 MR. BETRO: Yeah, I'd like to know. And
21 would you be willing to guarantee that at least
22 25 of those 50 jobs would come from Goshen
23 residents?

24 MR. MAKINEN: We'd be more than happy,
25 we're, I've been part of the area for 30 years.

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1 MR. BETRO: I understand that.

2 MR. MAKINEN: I think that this is the
3 hardest hiring time I've ever seen. We're doing
4 everything to find as many people as possible.

5 MR. BETRO: And--

6 MR. MAKINEN: And as they leave we try to
7 hire locals, that's our goal.

8 MR. BETRO: Okay, so you can say for the
9 record that you will guarantee at least 25 of the
10 jobs will come from Goshen residents if they
11 apply?

12 MR. FIORAVANTI: I was going to say if they
13 apply, you can't guarantee that they'll apply.

14 MR. MAKINEN: If we can hire them that would
15 be fabulous, love to have that.

16 MR. BETRO: Thank you.

17 MR. FIORAVANTI: Thank you, Mr. Supervisor.
18 Any other comments? Hearing none at 4:53 we will
19 close the public hearing for Mack Bros./Milmar.
20 And again, I want to reiterate to the public that
21 may be listening in or watching this at a later
22 time or anyone here if you have other questions
23 you want to discuss this, you want to debate it a
24 little bit kind of on the side, I'm always happy
25 to have those conversations, my contact

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1 information is on the website, if someone here
2 wants to get my cell phone, whatever it might be,
3 I'd be happy to give that out but we appreciate
4 you being a part of the process. This is what
5 America's all about, this whole public process so
6 we appreciate everyone being here. Thank you,
7 Mr. Makinen and your associates for providing all
8 that detail and again, we're going to close the
9 public hearing now 4:54 p.m. on November 17th.
10 Thank you all for being here, have a good day.

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13 * * * * *

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16 End time 4:54 p.m.
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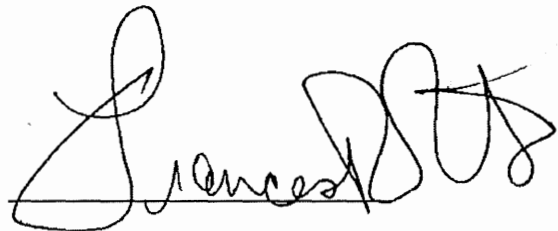
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C-E-R-T-I-F-I-C-A-T-I-O-N

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.

A handwritten signature in cursive script, appearing to read "Frances Roth", written over a horizontal line.

FRANCES ROTH

Here representing Senator Skoufis' strong opposition to a payment in lieu of taxes for the Mack Bro's project

- Besides the facts that the Mack Bro's application cites a 1% estimate of sales within Orange County, a \$60M projection of income within their first three years of operation and that Mack Bro's is already getting \$7.2M in USDA and ESD grants for this project- the simple matter of fact is that the applicant concedes on their application that they WOULD, in fact, still move forward with this project regardless of if they receive an IDA incentive or not.
- That is a hard stop. Nothing more needs to be considered. IDA benefits, when applied properly - which this IDA has regularly *not* done for a very long time - abide by the "but for" clause of economic development: *but for* this incentive, the project would not happen.
- The fact that a definitive "no" has not already been communicated to the applicant by the IDA staff is alarming but unsurprising given the agency's history of disregarding taxpayers. If the IDA approves a 15-year PILOT - or any PILOT - for a project and jobs that are unquestionably going to move forward regardless of an incentive would be more of the same: borderline criminality and shameless graft coming out of this IDA.
- We look forward to the new jobs Mack Bros will create and to their continued operation in Goshen. Our office remains a partner to all local businesses and we look forward to their future success and endeavors here in Orange County so long as it's not needlessly on the backs of property taxpayers.
- Senator Skoufis urges the OC IDA to reject the PILOT and finally do the right thing by taxpayers.

NOTICE OF PUBLIC HEARING

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 November 17, 2022, at 4:00 p.m. local time, at the Town of Goshen Town Hall, 41 Webster Avenue, Goshen, New York, in connection with the following matter:

Mack Bros. Ltd, a New York corporation, for itself or on behalf of an entity to be formed (collectively, the "Company"), requested the Agency undertake a project (the "Project") consists of: (A)(i) the acquisition of a leasehold interest in approximately 60 acres of improved real property located at One 6½ Station Road (Tax Map No. 12-1-13.2) and 2564 State Route 17M (Tax Map No. 12-1-13.1), Goshen, New York (collectively, the "Land"); (ii) the demolition of approximately 5,000 sq. feet of the existing approximately 60,000 sq. ft. building (the "Building") used as a frozen food manufacturing facility and the construction of an approximately 40,000 sq.ft. addition to the Building to provide for, among other things, a new loading dock, refrigerated refuse area; freezer space, processing area, two manufacturing areas and office space; and the renovation of certain portions of the existing Building including, but not be limited to, the packaging, processing, storage and freezing areas (collectively with the Building, the "Facility"); (iii) the acquisition and installation in and on the Facility of furniture, fixtures and equipment (collectively, the "Equipment" and together with the Land and the Facility, the "Project Facility"); (B) the granting of certain financial assistance in the form of exemptions from State and local sales and use tax, mortgage recording tax and real property tax (collectively, the "Financial Assistance"); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, construction, equipping and completion of the Project Facility; and (D) the acquisition of an interest in the Land and Facility by the Agency pursuant to a lease agreement and the acquisition of an interest in the Equipment pursuant to a bill of sale from the Company to the Agency; and the sublease of the Project Facility back to the Company pursuant to a leaseback agreement.

The Company will be the initial owner or operator of the Project.

The Agency will at the above-stated time hear all persons with views with respect to the proposed Financial Assistance to the Company, the proposed owner/operator, the location of the Project Facility and the nature of the Project.

A copy of the application filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project, are available for public inspection during the business hours at the office of the Agency located at 4 Crotty Ln #100, New Windsor, NY 12553 or on its website at <https://www.ocnyida.com>.

Dated: October 31, 2022

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

EXHIBIT “B”
SEQR DOCUMENTS

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Milmar Foods Facility Expansion		
Project Location (describe, and attach a general location map): One 6-1/2 Station Rd, Goshen, NY 10924		
Brief Description of Proposed Action (include purpose or need): The subject property is located on 18.722 +/- acres and is currently occupied by a 61,104 +/- sq.ft. food production facility. The project involves the construction of a building addition of 39,405 +/- square feet to the existing food processing and packaging facility. Construction/expansion includes new 20,762 +/- sq.ft. freezer, 9,110 +/- sq.ft. production rooms, 2,251 +/- sq.ft. for test kitchen and chef offices, 1,276 +/- sq.ft. dry storage, and 6,006 +/- sq.ft. for dock office, boxing room, garbage room and access corridors. The additions are proposed to increase space and improve efficiency within the facility and will enable the owner to eliminate the evening shifts that are currently occurring. The facility is currently served by individual on-site well and on-site sewage treatment facility. There is no expected increase in the water demand or flows to the sewage treatment plant. The proposed freezer space will replace the use of an off-site freezer facility. The existing facility has approximately 97 parking spaces located on the east side of the existing building. An additional 29 parking spaces are proposed.		
Name of Applicant/Sponsor: Milmar Food Group LLC		Telephone: (845) 294-5400, ext. 229
		E-Mail: roym@milmarfood.com
Address: One 6-1/2 Station Rd		
City/PO: Goshen	State: NY	Zip Code: 10924
Project Contact (if not same as sponsor; give name and title/role): Roy Makinen, Executive Vice President		Telephone: (845) 294-5400, ext. 229
		E-Mail: roym@milmarfood.com
Address: One 6-1/2 Station Rd		
City/PO: Goshen	State: NY	Zip Code: 10924
Property Owner (if not same as sponsor): Upstate Estates Corp.		Telephone: (845) 294-5400, ext. 229
		E-Mail: roym@milmarfood.com
Address: One 6-1/2 Station Rd		
City/PO: Goshen	State: NY	Zip Code: 10924

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Goshen Planning Board	
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Goshen Zoning Board of Appeals (Area Variance)	
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OC Planning- 239m referral	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC Stormwater SPDES	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACOE- Nationwide Wetlands Disturbance Permit (<0.1 acres dist.)	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part I 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? <u>Commercial/Office Mixed-Use, AQ-6 Aquifer Overlay, Floodplain and Ponding Overlay Districts</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site? _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? <u>Goshen Central School District</u>	
b. What police or other public protection forces serve the project site? <u>Town of Goshen Police</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Goshen Fire District, Goshen Volunteer Ambulance Corps</u>	
d. What parks serve the project site? <u>None</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Commercial</u>	
b. a. Total acreage of the site of the proposed action?	<u>18.722+/-</u> acres
b. Total acreage to be physically disturbed?	<u>3.5+/-</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>59.569 +/-</u> acres
c. Is the proposed action an expansion of an existing project or use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % <u>65%</u> Units: <u>39,405+/- Square feet</u>	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: <u>12</u> months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>8</u> ii. Dimensions (in feet) of largest proposed structure: <u><35</u> height; <u>112</u> width; and <u>198</u> length iii. Approximate extent of building space to be heated or cooled: <u>67,800 +/-</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: <u>Temp. impoundment of stormwater for water quality treatment</u> ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater runoff</u> iii. If other than water, identify the type of impounded/contained liquids and their source. <u>N/A</u> iv. Approximate size of the proposed impoundment. Volume: <u>0.075 +/-</u> million gallons; surface area: <u>0.22 +/-</u> acres v. Dimensions of the proposed dam or impounding structure: <u>1 +/-</u> height; <u>20 +/-</u> length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Earth Fill</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Fill over existing federal regulated wetlands</u> _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Approximately 460 sq.ft. of existing federal wetland area is proposed to be disturbed.

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No
 If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☒ Yes ☐ No
 If Yes:
 • acres of aquatic vegetation proposed to be removed: 0.01 +/- Acres
 • expected acreage of aquatic vegetation remaining after project completion: 1.79 +/- Acres
 • purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
Disturbance areas needed for proposed access drive, parking facilities and/or stormwater treatment
 • proposed method of plant removal: Excavation with machinery
 • if chemical/herbicide treatment will be used, specify product(s): N/A

v. Describe any proposed reclamation/mitigation following disturbance: _____
None

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
 If Yes:
 i. Total anticipated water usage/demand per day: _____ 35,000 gallons/day
 ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☒ No
 If Yes:
 • Name of district or service area: _____
 • Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
 • Is the project site in the existing district? ☐ Yes ☐ No
 • Is expansion of the district needed? ☐ Yes ☐ No
 • Do existing lines serve the project site? ☐ Yes ☐ No
 iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____
 • Source(s) of supply for the district: _____
 iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • Proposed source(s) of supply for new district: _____
 v. If a public water supply will not be used, describe plans to provide water supply for the project: _____
On-site well and tanker trucks
 vi. If water supply will be from wells (public or private), maximum pumping capacity: unknown gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
 If Yes:
 i. Total anticipated liquid waste generation per day: _____ 29,000 gallons/day
 ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary wastewater and industrial wastewater associated with food processing

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
 If Yes:
 • Name of wastewater treatment plant to be used: On-site treatment facility
 • Name of district: _____
 • Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
 • Is the project site in the existing district? ☐ Yes ☒ No
 • Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Will line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p><u>Existing on-site wastewater treatment facility and existing subsurface sewage disposal system</u></p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p><u>N/A</u></p>	

<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or <u>0.84</u> acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or <u>18.72</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Runoff from proposed parking areas, drains from roof of building addition</u></p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>On-site stormwater management facilities, then to on-site surface waters/wellands</u></p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <li style="padding-left: 20px;"><u>Rio Grande (tributary to Wallkill River)</u> • Will stormwater runoff flow to adjacent properties? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p><u>Heavy equipment, fleet and delivery vehicles</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p><u>Large Boilers and Chillers</u></p>	
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<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	
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<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ <20</p> <p>iii. Parking spaces: Existing <u>97</u> Proposed <u>126</u> Net increase/decrease <u>29</u></p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>One existing driveway for parking lot being eliminated to provide additional spacing and separation of passenger cars and delivery trucks</u></p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____ <u>4.4 MWh</u></p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>via grid/local utility (Orange & Rockland)</u></p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>8:00 a.m. to 7:00 p.m.</u> • Saturday: <u>8:00 a.m. to 7:00 p.m.</u> • Sunday: <u>None</u> • Holidays: <u>None</u> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 a.m. to 5:00 p.m.</u> • Saturday: <u>Closed</u> • Sunday: <u>Closed</u> • Holidays: <u>Closed</u> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>8:00 a.m. to 7:00 p.m.</u> • Saturday: <u>8:00 a.m. to 7:00 p.m.</u> • Sunday: <u>None</u> • Holidays: <u>None</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 a.m. to 5:00 p.m.</u> • Saturday: <u>Closed</u> • Sunday: <u>Closed</u> • Holidays: <u>Closed</u>
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>8:00 a.m. to 7:00 p.m.</u> • Saturday: <u>8:00 a.m. to 7:00 p.m.</u> • Sunday: <u>None</u> • Holidays: <u>None</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 a.m. to 5:00 p.m.</u> • Saturday: <u>Closed</u> • Sunday: <u>Closed</u> • Holidays: <u>Closed</u> 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;"><u>Temporary - During hours of construction activities.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">Describe: <u>Minor tree removal for trees within the limit of disturbance.</u></p>	
<p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p style="margin-left: 20px;"><u>Wall-mounted lighting fixtures will be utilized for lighting near the building and in access areas.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">Describe: <u>Minor tree removal for trees within the limit of disturbance.</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ 100 tons per _____ month (unit of time) • Operation : _____ 120 tons per _____ month (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: <u>Recyclable C&D materials shall be separated and picked up for recycling.</u> • Operation: <u>Recyclable materials shall be separated as per current practices and picked up for recycling.</u> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>C&D materials shall be sent to either Orange County Solid Waste Transfer Station #1 or other local facility accepting C&D waste</u> • Operation: <u>Solid waste shall be sent to Orange County Solid Waste Transfer Station #1</u> 	

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4.48	5.32	+0.84
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	11.04	10.20	-0.84
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	1.36	1.36	0
• Wetlands (freshwater or tidal)	1.80	1.79	-0.01
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☒ Yes – Spills Incidents database Provide DEC ID number(s): Spill #9006633 (Closed 9/18/90)
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): Spill #9909757 (Closed 11/18/99)
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
N/A

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
9006633 - Spill date 9/17/90, stemming from auto accident 17M & 6 1/2 Station Road - Incident closed 9/18/90
9909757 - Spill date 11/11/99 unknown source petroleum spill, spill closed 11/18/99

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ <u>>6.0</u> feet (per NRCS Web Soil Survey)													
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Erie gravelly silt loam</td> <td style="width: 40%; text-align: right;">35.3 %</td> </tr> <tr> <td>Madalin silt loam</td> <td style="text-align: right;">64.7 %</td> </tr> <tr> <td></td> <td style="text-align: right;">%</td> </tr> </table>		Erie gravelly silt loam	35.3 %	Madalin silt loam	64.7 %		%						
Erie gravelly silt loam	35.3 %												
Madalin silt loam	64.7 %												
	%												
d. What is the average depth to the water table on the project site? Average: <u>0.5-1.5</u> feet (per NRCS Web Soil Survey)													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input type="checkbox"/> Well Drained:</td> <td style="width: 60%; text-align: right;">% of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">% of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">100 % of site</td> </tr> </table>		<input type="checkbox"/> Well Drained:	% of site	<input type="checkbox"/> Moderately Well Drained:	% of site	<input checked="" type="checkbox"/> Poorly Drained	100 % of site						
<input type="checkbox"/> Well Drained:	% of site												
<input type="checkbox"/> Moderately Well Drained:	% of site												
<input checked="" type="checkbox"/> Poorly Drained	100 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">98 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td style="text-align: right;">1 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">1 % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	98 % of site	<input checked="" type="checkbox"/> 10-15%:	1 % of site	<input checked="" type="checkbox"/> 15% or greater:	1 % of site						
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<input checked="" type="checkbox"/> 10-15%:	1 % of site												
<input checked="" type="checkbox"/> 15% or greater:	1 % of site												
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____													
h. Surface water features.													
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
If Yes to either i or ii, continue. If No, skip to E.2.i.													
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name <u>Rio Grande; #855.5-194, 855.5-195</u></td> <td style="width: 50%;">Classification <u>C</u></td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name <u>Federal Waters, Federal Waters, Federal Waters</u></td> <td>Approximate Size <u>1.80+/-</u> ac.</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2"><u>N/A</u></td> </tr> </table>		• Streams:	Name <u>Rio Grande; #855.5-194, 855.5-195</u>	Classification <u>C</u>	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name <u>Federal Waters, Federal Waters, Federal Waters</u>	Approximate Size <u>1.80+/-</u> ac.	• Wetland No. (if regulated by DEC)	<u>N/A</u>	
• Streams:	Name <u>Rio Grande; #855.5-194, 855.5-195</u>	Classification <u>C</u>											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name <u>Federal Waters, Federal Waters, Federal Waters</u>	Approximate Size <u>1.80+/-</u> ac.											
• Wetland No. (if regulated by DEC)	<u>N/A</u>												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
j. Is the project site in the 100 year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
k. Is the project site in the 500 year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:													
i. Name of aquifer: <u>Principal Aquifer</u>													

m. Identify the predominant wildlife species that occupy or use the project site:		
Whitetail Deer _____ American Robin _____ Common Gartersnake _____	Gray Squirrel _____ House Finch _____ Gray Treefrog _____	Wild Turkey _____ American Crow _____ Red Salamander _____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
<i>i. Describe the habitat/community (composition, function, and basis for designation):</i> _____ _____		
<i>ii. Source(s) of description or evaluation:</i> _____		
<i>iii. Extent of community/habitat:</i>		
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____		
E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i. If Yes: acreage(s) on project site?</i> _____ <i>ii. Source(s) of soil rating(s):</i> _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
<i>i. Nature of the natural landmark:</i> <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
<i>ii. Provide brief description of landmark, including values behind designation and approximate size/extent:</i> _____ _____ _____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
<i>i. CEA name:</i> _____		
<i>ii. Basis for designation:</i> _____		
<i>iii. Designating agency and date:</i> _____		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ 	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Identify resource: <u>Orange County Heritage Trail</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Local Parkland</u> iii. Distance between project and resource: <u>0.2+/-</u> miles. 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

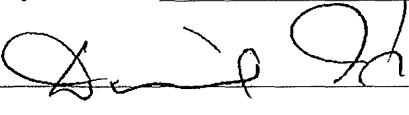
Attach any additional information which may be needed to clarify your project.

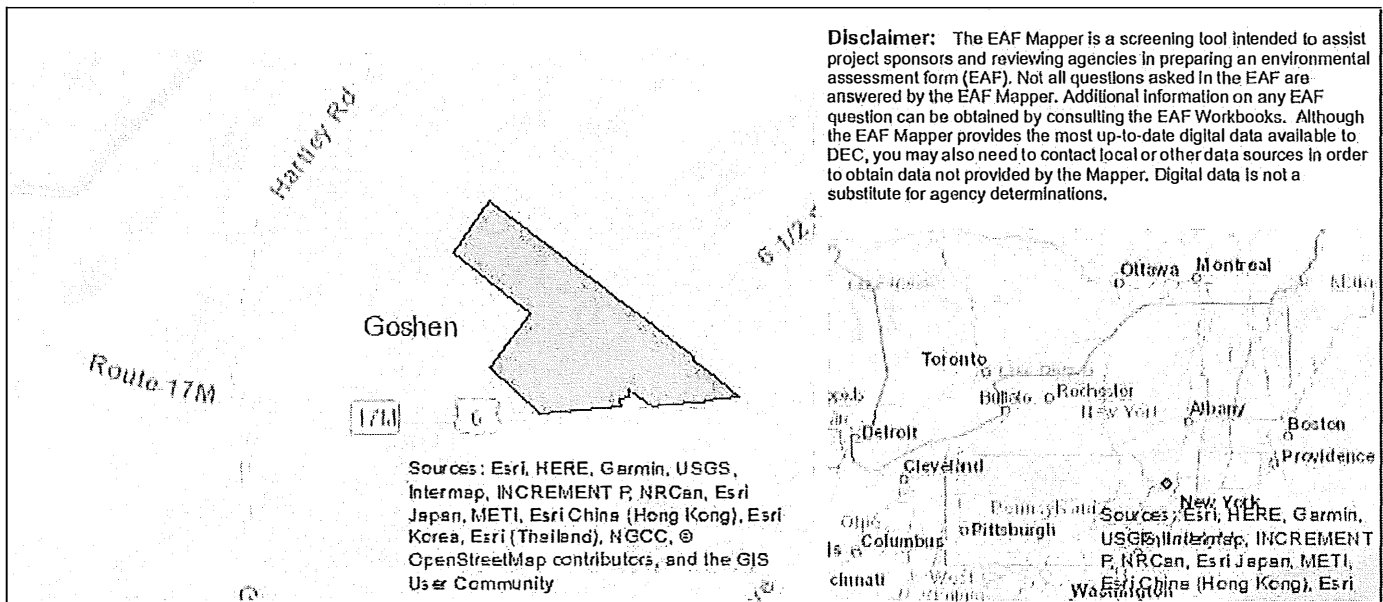
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Milmar Food Group LLC Date 6/9/22

Signature  Title Project Engineer



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	855.5-194, 855.5-195
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes

E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: July 21, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Goshen Planning Board, as lead agency, has determined that the proposed action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Lead Agency: Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
Phone: 845-294-6250
Contact: Lee Bergus, Chairman

Name of Action: Milmar Food Group II, LLC
Site Plan and Special Permit Application

SEQR Status: Type I

Conditioned
Negative Declaration: No

Description of the
Action: This application proposes to construct a 39,405 square foot addition to an existing food production facility, involving a parcel of land containing 18.72+/- acres, known as Section 12, Block 1, Lot 13.2 on the Town tax maps, located with frontage along New York State Route 17M and 6½ Station Road within the Town of Goshen in Orange County, New York

Location: Town of Goshen, Orange County, New York.

Reasons Supporting
this Determination:

The Applicant, Milmar Food Group II, LLC, is proposing to construct a 39,405 square foot addition to an existing food production facility involving a parcel of land containing 18.72+/- acres, known as Section 12, Block 1, Lot 13.2 on the Town tax maps, located with frontage along New York State Route 17M and 6½ Station Road within the Town of Goshen in Orange County, New York.

Impact on Land: The Environmental Assessment Form concluded that the proposed action may involve construction on land where depth to water table is less than 3 feet, and may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). Disturbance will remain close to the surface. Per the Department of Environmental Conservation SPDES General Permit for construction activities, the Applicant will need to prepare a Stormwater Pollution Prevention Plan (SWPPP) and will need a Notice of Intent

for coverage under the permit, as the proposed area of disturbance exceeds the one (1) acre threshold for coverage. As a result, and assuming compliance with the SPDES General Permit and the SWPPP, no significant adverse impacts to land are anticipated.

Impacts on Surface Water: The Environmental Assessment Form concluded that the proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body; may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies; and may affect the water quality of any water bodies within or downstream of the site of the proposed action. Per the Department of Environmental Conservation SPDES General Permit for construction activities, the Applicant will need to prepare a Stormwater Pollution Prevention Plan (SWPPP) and will need a Notice of Intent for coverage under the permit, as the proposed area of disturbance exceeds the one (1) acre threshold for coverage. As a result, and assuming compliance with the SPDES General Permit and the SWPPP, no significant adverse impacts to surface water are anticipated.

Impacts on Flooding: The Environmental Assessment Form concluded that the proposed action may result in development within a 100- and 500-year floodplain, and may result in, or require, modification of existing drainage patterns. All proposed improvements are located outside of the floodplain areas. As a result, and assuming compliance with the SPDES General Permit and the SWPPP, no significant adverse impacts to flooding are anticipated.

Impact on Historic and Archeological Resources: The Environmental Assessment Form concluded that the proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The Planning Board has received correspondence from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) dated June 14, 2022, which states that “it is the opinion of OPHRP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.” Based upon this letter, no significant adverse environmental impacts to these resources are anticipated.

Impact on Transportation: The Environmental Assessment Form concluded that the proposed action may alter the present pattern of movement of people or goods. The applicant has calculated, under typical operations it is anticipated one (1) truck will enter the site and one (1) truck will exit the site during both the peak AM and PM hours. Additionally, based on historical usage during peak operational seasons, the applicant anticipates less than ten (10) trucks entering and ten (10) trucks exiting the site per day. Further, the applicant anticipates no change in daily truck trips due to the additional 20,762 square foot freezer since the applicant is currently transporting materials to and from an existing offsite freezer which will no longer be utilized once the onsite freezer is constructed. As such the existing roads are anticipated to have the capacity to accommodate the traffic from the project.

Impact on Noise, Odor, and Light: The Environmental Assessment Form concluded that the proposed action may produce sound above noise levels established by local regulation. However, the noise levels are temporary and will occur only during a short-term construction phase. Therefore, no adverse impacts on noise, odor and light are anticipated.

The Town of Goshen Planning Board finds that the proposed action will not result in any significant adverse environmental impacts by its approval (assuming the accuracy and completeness of the plans and documents submitted by the Applicants to the Lead Agency), and therefore no further environmental review is necessary.

A copy of this Notice has been sent to:

Lee Bergus, Chairman
Planning Board, Lead Agency
Town of Goshen Town Hall
41 Webster Avenue
Goshen, New York 10924

Joseph Betro, Supervisor
Town of Goshen Town Hall
41 Webster Avenue
Goshen, New York 10924

A copy of this Notice has been filed with:

Town of Goshen Zoning Board of Appeals
41 Webster Avenue
Goshen, New York 10924

U.S. Army Corps of Engineers
26 Federal Plaza
Jacob Javits Building
New York, New York 10278

New York State Office of Parks, Recreation and Historic Preservation (via CRIS system)
Post Office Box 189, Peebles Island
Waterford, New York 12188

Orange County Department of Public Works (Interested)
2455-2459 Route 17M
P.O. Box 509
Goshen, New York 10924

Orange County Department of Planning (Interested)
124 Main Street
Goshen, New York 10924

Environmental Notice Bulletin – via email
625 Broadway
Albany, New York 12233-0001
enb@dec.ny.gov

EXHIBIT "C"

PROPOSED PILOT SCHEDULE

