

FINAL RESOLUTION
(SAPA Hospitality, LLC Project)

A regular meeting of the Orange County Industrial Development Agency held on December 20, 2023 at 5:00 p.m. (local time) at the Orange County Industrial Development Agency Headquarters, 4 Crotty Lane, Suite 100, New Windsor, New York.

The meeting was called to order by Dean Tamburri and upon the roll being duly called, the following members were:

MEMBERS PRESENT: D. Tamburri, V. Odock, J. Crist, M. Greene, J. Rinaldi, G. Palladino, S. Walski

THE FOLLOWING PERSONS WERE ALSO PRESENT: B. Fioravanti, K. Reilly, M. Borras, S. Katzoff, S. Patel, L. DiCostanzo, C. Eckert, C. Canada, C. Lefkowitz, W. McLean, A. Wood
The following Resolution was offered by G. Palladino and seconded by J. Crist:

RESOLUTION AUTHORIZING THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO: (I) UNDERTAKE, ACQUIRE, CONSTRUCT, EQUIP AND COMPLETE A PROJECT; (II) APPOINT THE COMPANY AS ITS AGENT TO UNDERTAKE 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 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 to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, SAPA Hospitality, LLC, a New York limited liability company, for itself or on behalf of an entity to be formed (collectively, the "*Company*"), has submitted an application (the "*Application*") to the Agency requesting the Agency's assistance with respect to a certain project (the "*Project*") consisting of: (A)(i) the acquisition of a leasehold interest in approximately 2.1 acres of vacant land located at 12 Ben Gilman Way, Town of Wallkill, New York (Tax Map No. 78-1-80.622) (the "*Land*") (ii) the construction of a five (5) story, 81,160 square foot Homewood Suites hotel with a pool and related amenities as well as landscaping and associated surface parking lot (collectively, the "*Facility*"); (iii) the acquisition and installation in and on the Facility of furniture, fixtures and equipment (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 and mortgage recording tax (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 29, 2023, at 2:00 p.m. (local time), at the Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, NY 10941, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "**Public Hearing**") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. Notice of the public hearing was published on November 6, 2023, in The Times Herald-Record, a newspaper of general circulation in Orange County, New York and given to the chief executive officers of the affected tax jurisdictions by letters dated November 6, 2023. A copy of the minutes of the Public Hearing along with the Notice of Public Hearing 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 with respect to the environmental impact of any "action" (as said quoted term is defined in SEQRA) to be taken by the Agency and the approval of the Project constitutes such an action; and

WHEREAS, the Company and/or its affiliate/subsidiary Crystal Run Crossing LLC prepared and submitted a Full Environmental Assessment Form, dated October 25, 2019 ("**EAF**") to the Town of Wallkill Planning Board to obtain approval for a project that is substantially similar to the Project being undertaken by the Agency; and

WHEREAS, the Town of Wallkill Planning Board determined that the project before it and described in the EAF constituted an "Unlisted" action (as said quoted term is defined in SEQRA); and

WHEREAS, on January 8, 2020, the Town of Wallkill Planning Board, consistent with the procedures and criteria set forth in the SEQRA regulations, conducted a duly noticed public hearing and 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, attached hereto as **Exhibit "C"**, is correspondence from Steven Gross, Director of Economic Development for the Office of Economic Development for the County (the "**Economic Development Office**") and Amanda Dana, Director of Tourism & Film for the Orange County Tourism Office (the "**Tourism Development Office**"), outlining the need for additional

hotel rooms in the County (the "***Correspondence***"). The area is in need of additional hotel rooms for tourism. According to the Correspondence, hotels are tremendously important sectors of the economy in the County and are integral to the continued growth of the tourism industry. Currently, the County's hotel occupancy nears 100% given the existing local attractions such as Legoland NY, Woodbury Common, Angry Orchard, City Winery, local craft beverages and family recreational venues like The Castle in Chester. The Economic Development Office undertook a conference center feasibility study in order to assess the ability of the County to attract large conferences to the region. The consultants advised that having sufficient infrastructure in the form of, among other things, a diverse range of accommodations in the form of hotel rooms, is critical to grow tourism in the County. The study made clear that Orange County is at a deficit with hotel room inventory as compared to the visitor demand. Orange County is no longer just a day trip community, it has become a destination and with this, the County is experiencing increased tourism and tourist spending. The County is trending to be busier in 2023 as compared to 2022. The Tourism Office is confident that hospitality projects will make significant contributions to the economy for many years to come; and

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

WHEREAS, the Agency hereby adopts the SEQRA finding and Negative Declaration of the Town of Wallkill 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 "***Lease Agreement***"), a leaseback agreement (the "***Leaseback Agreement***"), a bill of sale (the "***Bill of Sale***"), an environmental compliance and indemnification agreement (the "***Environmental Compliance and Indemnification 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 Lease Agreement, the Leaseback Agreement, the Bill of Sale and the Environmental Compliance and Indemnification 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, construction, equipping and completion of the Project; and (b) if necessary, a mortgage recording tax exemption for financing related to the Project; 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, comments received at the public hearing and in other correspondence and/or documents, if any, submitted by the Company or other members of the public, 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 an "Unlisted 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 January 8, 2020) of the Town of Wallkill 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 in the County and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a 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; and based upon information provided by the Applicant and at the public hearing, the Project is a tourism destination.

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 **\$17,780,085**, which result in New York State and local sales and use tax exemption benefits not to exceed **\$1,444,631.91** ("***Sales and Use Tax Exemption Benefits***"); and (b) exemption from mortgage recording taxes for one or more mortgages in the approximate amount of **\$137,812.50** in connection with the financing of the Project and any future financing, refinancing or permanent financing of the Project.

SECTION 3. The Chairman and/or Vice Chairman and/or Chief Executive 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 Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; 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 and/or Chief Executive 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 4. 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 (1) 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. The Secretary and/or the Chief Executive 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 11. 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 12. These Resolutions shall take effect immediately.

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

| | <i>Yea</i> | <i>Nay</i> | <i>Absent</i> | <i>Abstain</i> |
|--------------------|------------|------------|---------------|----------------|
| Dean Tamburri | ✓ | | | |
| Vincent Odock | ✓ | | | |
| Marc Greene | ✓ | | | |
| Giovanni Palladino | ✓ | | | |
| James Rinaldi | | | | ✓ |
| Susan Walski | ✓ | | | |
| Jeffrey Crist | ✓ | | | |

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:**

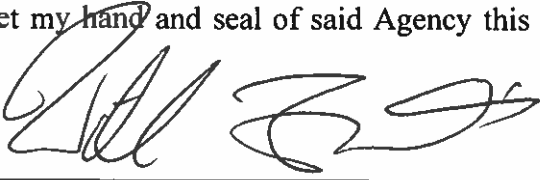
That I have compared the foregoing extract of the minutes of the meeting of the Orange County Industrial Development Agency (the "**Agency**") including the resolution contained therein, held on December 20, 2023, with the original thereof on file in the office of the Agency, and that the same is a true 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.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Agency this _____ day of December, 2023.



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: SAPA HOSPITALITY, LLC

5 -----x

6 November 29, 2023
7 2:00 p.m.
8 Wallkill Town Hall
9 99 Tower Drive, Building A
10 Middletown, NY

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

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21
22 FRANCES ROTH
23 Court Stenographer
24 168 North Drury Lane
25 Newburgh, New York 12550
Telephone (845) 566-1641

1

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

3

4 WILLIAM FIORAVANTI

CEO OCNIDA

5 4 Crotty Lane

New Windsor, New York 12553

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7 ALSO PRESENT: Kelly Reilly
Project Manager

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SAPA HOSPITALITY, LLC

1 MR. FIORAVANTI: Good afternoon, welcome to
2 the public hearing for the Orange County IDA
3 hearing for our project, SAPA Hospitality, here
4 in the Town of Wallkill. Present today is
5 myself, Bill Fioravanti, C.E.O. We also have
6 Kelly Reilly, project manager at the IDA, Miss
7 Fran Roth, Miss Fran Roth is our stenographer,
8 here as well doing audio/visual Jose Rojas from
9 Acquisitions Marketing and we have our applicant
10 represented by Louis DeCostanzo from SAPA
11 Hospitality and we have one guest here as well,
12 we'll hear from him in a moment. First I'd like
13 everyone here to stand for the Pledge of
14 Allegiance.

15 (Whereupon, the Pledge of Allegiance was recited)

16 MR. FIORAVANTI: Thank you. I'd like to
17 officially call this public hearing to order.
18 I'm going to start by reading the notice of the
19 public hearing which really will give you the
20 scope of the project itself and the incentives
21 that are being sought by the applicant. And then
22 we'll open it up to any questions that we may
23 have. Notice of public hearing. Notice is
24 hereby given that a public hearing pursuant to
25 Article 18-A of the New York General Municipal

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1 Law will be held by the Orange County Industrial
2 Development Agency, known as the Agency, on
3 November 29, 2023 at 2:00 p.m. local time at the
4 town board meeting room at the Wallkill Town
5 Hall, 99 Tower Drive, Building A, Middletown, New
6 York 10941 in connection with the following
7 matter: SAPA Hospitality, LLC known heretofore
8 as the Company, has submitted an application, the
9 Application, to the Agency requesting the
10 Agency's assistance with a certain project, known
11 as the Project, consisting of (A)(i) the
12 acquisition of a leasehold interest in
13 approximately 2.1 acres of vacant land located at
14 12 Ben Gilman Way, Town of Wallkill, New York
15 known as the Land; (ii) the construction of a
16 five story, 81,160 square foot Homewood Suites
17 Hotel with a pool and related amenities as well
18 as landscaping and associated surface parking
19 lot, collectively the Facility; (iii) the
20 acquisition and installation in and on the
21 Facility of furniture, fixtures and equipment
22 known as the Equipment and together with the Land
23 and the Facility known as the Project Facility;
24 (B) the granting of certain financial assistance
25 in the form of exemptions from State and local

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1 sales and use tax and mortgage recording tax, the
2 Financial Assistance; (C) the appointment of the
3 Company or its designee as an agent of the Agency
4 in connection with the acquisition, construction,
5 equipping and completion of the Project Facility.
6 And (D); the acquisition of an interest in the
7 Land and Facility by the Agency pursuant to a
8 lease agreement and the acquisition of an
9 interest in the Equipment pursuant to a Bill of
10 Sale from the Company to the Agency; and the
11 sublease of the Project Facility back to the
12 Company pursuant to a leaseback agreement. The
13 Company will be the initial owner or operator of
14 this Project. The Agency will at the
15 above-stated time, right now, hear all persons
16 with views with respect to the proposed Financial
17 Assistance to the Company, the proposed
18 owner/operator, the location of the Project
19 Facility and the nature of the Project. A copy
20 of the Application filed by the Company with the
21 Agency with respect to the Project, including an
22 analysis of the costs and benefits of the
23 Project, are available for public inspection
24 during the business hours at the office of the
25 Agency located at 4 Crotty Lane, number 100, New

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1 Windsor, New York 12553 or on its website at
2 <https://www.ocnyida.com>. This notice was posted
3 on November 22nd of this year with the adequate
4 notice time given. Other than this, we are going
5 to open the hearing up for any public comments.
6 We have a sign-in sheet but it looks like we only
7 have one. Mr. Gross, if you could introduce
8 yourself and provide your comment, please?

9 MR. GROSS: Thank you, sir. I am Steve
10 Gross, Director of Economic Development for
11 Orange County. So, you know, we are here today,
12 I'd like to read a letter into the record, I sent
13 this letter to the IDA board on October 18th.
14 Over the past decade, Orange County has
15 experienced remarkable economic growth,
16 especially in tourism and hospitality. Legoland
17 NY, Woodbury Common, Angry Orchard, City Winery
18 and local craft beverages and family recreational
19 venues have given rise to an ever growing tourism
20 economy. At the same time our county's
21 geographic location in the northeast continues to
22 make us a prime destination for large
23 corporations to locate, companies like Amazon,
24 McKesson, Medline, Pratt Whitney and now Tesla
25 are all operating and rolling right here in

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1 Orange County. And having an adequate number of
2 inventory of accommodations for some of these
3 plays a real crucial role in fostering economic
4 growth and enhancing our quality of life for both
5 the residents and visitors in Orange County.
6 Presently, during the height of our tourism
7 season which is now April through November we're
8 at 100% capacity at all of our overnight
9 destinations. More hotels and overnight stays
10 will allow our community to welcome a larger
11 number of tourists, resulting in increased
12 visitor spending on local businesses, restaurants
13 and attractions. This in turn would lead to a
14 boost in the local economy, job creation and
15 increased sales and hotel tax revenue for our
16 county. Additionally, Orange County has
17 contracted with the firm of Johnson Consulting to
18 conduct a Conference Center Feasibility Study for
19 our county. At present, there are no large
20 facilities that can handle significant corporate
21 events in Orange County. One of the criteria
22 that was evaluated was the current inventory of
23 hotel rooms. The consultants have told us that
24 an adequate number of hotel rooms is crucial to
25 the success of such a venue. And hosting

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1 conferences and events of significance requires
2 the necessary infrastructure and accommodations
3 to handle the influx of visitors and tourism to
4 the area. Without a doubt, additional hotels are
5 essential to meet the demand that's necessary for
6 Orange County to be an attractive destination
7 with respect to events and gatherings. This
8 study has been completed, it's available, it has
9 recommended that Orange County be the venue for
10 not just one conference center but two conference
11 centers and having a diverse range of
12 accommodation facilities will support that
13 effort. I'm confident the IDA shares the vision
14 of making our county a premier destination for
15 tourism, conferences and corporate events and
16 thank you for your dedication for the betterment
17 of Orange County. Thank you.

18 MR. FIORAVANTI: Thank you, Mr. Gross. And
19 we did receive your letter, it's actually posted
20 on the website. I do want to make it clear as we
21 said in the hearing notice but to anyone that's
22 watching all of the information related to this
23 project and any project that we undertake, that
24 we even consider for incentives are found on our
25 website, it's found under, if you look in the top

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1 banner, look under active projects, you can find
2 every project that received incentives or still
3 receiving some benefit from the IDA, this one it
4 is for a hotel in the Town of Wallkill here that
5 will be a Homewood Suites but it's known as SAPA
6 Hospitality, the Project, so you'll find the
7 folder under SAPA, we have the letter from
8 Mr. Gross. And we also received on the same day
9 a letter from Amanda Dana, the Orange County
10 Tourism Director really with the same concept,
11 you partnered together it sounds like on that
12 feasibility study so she really is bearing the
13 same. So those letters are both on our website
14 in the project folder as is a cost benefit
15 analysis which I will just mention indicates a
16 local benefit to cost ratio of 16 to one. So the
17 cost of the incentives in this case sales tax
18 being lost on building material, furniture and
19 fixtures and such to build this project and a
20 mortgage recording tax exemption, that is the
21 cost of the benefit of the job creation,
22 construction, permanent jobs and many other
23 economic benefits. So that was the result of
24 that as well, I'm buying a little time to see if
25 there's anyone else that wants to make any

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1 comment but we have seen no one else and no one
2 online so hearing none, we're going to close this
3 public hearing for SAPA Hospitality by the Orange
4 County IDA here on Wednesday, November 29th,
5 we're going to close the hearing at 2:12 p.m.
6 Thank you everyone for attending. And if you
7 need any other information again either consult
8 the website or certainly give us a call with any
9 questions (845)234-4192. Thank you all for
10 attending, have a good day.

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12
13 (Proceedings concluded at 2:12 p.m.)
14

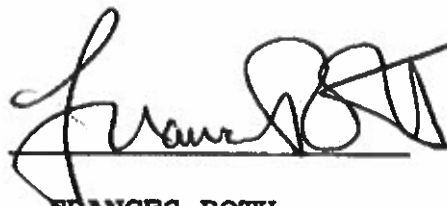
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C-E-R-T-I-F-I-C-A-T-I-O-N

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 dark ink, appearing to read 'Frances Roth', written over a horizontal line. The signature is stylized with a large initial 'F' and a long, sweeping underline.

FRANCES ROTH

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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 29, 2023, at 2:00 p.m. local time, at the Town Board Meeting Room at the Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, NY 10941, in connection with the following matter:

SAPA Hospitality, LLC (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (A)(i) the acquisition of a leasehold interest in approximately 2.1 acres of vacant land located at 12 Ben Gilman Way, Town of Wallkill, New York (Tax Map No. 78-1-80.622) (the "Land") (ii) the construction of a five (5) story, 81,160 square foot Homewood Suites hotel with a pool and related amenities as well as landscaping and associated surface parking lot (collectively, the "Facility"); (iii) the acquisition and installation in and on the Facility of furniture, fixtures and equipment (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 and mortgage recording tax (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: November 6, 2023

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

EXHIBIT B
SEQRA DOCUMENTS

**TOWN OF WALLKILL
PLANNING BOARD
RESOLUTION GRANTING
SPECIAL USE &
SITE PLAN APPROVAL**

**Crystal Run – Lot 9
PB File No: 19-113
Tax Lot: 78-1-80.622**

WHEREAS, an application was made to the Town of Wallkill Planning Board by Crystal Run Crossing LLC ("Applicant") for a Site Plan and Special Use Permit in relation to the development of a vacant commercial parcels of land situate along Ben Gilman Drive / Crystal Run Road and identified on the Tax Maps as Sec 78, Block 1, Lot 80.622 ("Site"); and

WHEREAS, the project (the "Project") is to develop the Site with a multi-story building containing a hotel with 98 rooms and related improvements; and

WHEREAS, the proposed action by the Planning Board is considered an Unlisted Action for purpose of Environmental Assessment Review under SEQRA; and

WHEREAS, the Applicant submitted all such documents and materials as required for the Planning Board to engage in a meaningful review of its Application under applicable law to the extent of granting conditional site plan and conditional special use approvals; and

WHEREAS, in the course of making such submissions, the Applicant submitted a site plan prepared by its engineers, Engineering Properties, which site plan was subject to various revisions, and was last revised on 12/16/19 ("Site Plan"); and

WHEREAS, the Planning Board conducted an Environmental Review, which included Environmental Assessment Review under SEQRA, and regarding such review the Applicant prepared and submitted to the Planning Board an Environmental Assessment Form; and

WHEREAS, in connection with its review of this Project, the Applicant submitted a traffic study to the Planning Board which evaluated the existing traffic conditions and the potential impact the proposed Project would have on the same, and the Applicant agreed to certain traffic mitigation measures as a condition of the approval of its Project, including payment of all traffic mitigation fees and contributions due by reason of the Site being located in a traffic improvement district; and

WHEREAS, on January 8, 2020, the Town of Wallkill Planning Board conducted a duly noticed public hearing, at which time the public could participate in the planning process; and

WHEREAS, on January 8, 2020, the Town of Wallkill Planning Board adopted Part 3 of the EAF, and a SEQR Negative Declaration determining that by reason of its incorporating the mitigation measures identified in its EAF and traffic study, there will be no significant environmental impacts from the development of the Site as presently proposed by reason of the traffic mitigation contributions required; and

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

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

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

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

1. **Traffic access.** That all proposed traffic accesses are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street intersections or other places of public assembly; and other similar safety considerations, and by reason of the required financial contributions referenced herein.
2. **Circulation and parking.** That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any person connected within or visiting the use; also that the interior circulation system is adequate to provide safe accessibility into and within the site.
3. **Landscaping and screening.** That all parking and service areas will be reasonably screened during all seasons of the year; the general landscaping proposed for the Site will be in harmony with that generally existing in the neighborhood.

4. **Existing Trees:** Existing trees are proposed to be removed by this application, but will not result in an overall change in the character of the relevant neighborhood, as the same is reasonably well developed.

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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wallkill Planning Board finds that the applicant has submitted all applicable materials, except as otherwise noted herein, and met all applicable requirements as set forth in the Zoning Code and Regulations of the Town of Wallkill and hereby grants site plan approval and a special use permit for the Hotel Use shown on the Site Plan, subject to all applicable laws and the following conditions, which conditions are subject to amendment, revision and/or supplementation at the time of final approval:

Special Conditions / Notes:

1. The Planning Board finds that the Site Plan, with respect to the Project (Hotel Site), submitted by the Applicant conforms to the requirements set forth in the applicable provisions of the Town Code, 249-40, subject to making the modifications noted herein and in the Technical Review Comments of the Town Engineer, which are hereby made conditions of the within approval. All comments received from the Highway Department, Water, Sewer, and Fire Departments are to be addressed as part of the within approval.
2. As a condition of the final approval, the Site Plan shall be amended to require the removal of all plowed snow within 72 hours of the commencement of a storm event.
3. Payment of a traffic mitigation contribution of \$0.75 per square foot of improved building area which funds are to be used by the Town toward the implementation of certain traffic improvements designed to improve traffic flow and service on the nearby public roads.

General Site / Use Conditions:

4. **Landscaping:** All landscaping (trees, shrubs, and other planting) as

are shown on that portion of the Site Plan relating to landscaping shall be planted and maintained in a vigorous and healthy state; if any planting shall not be in vigorous and healthy condition, then the same shall be replaced as soon as practical. The lawn/yard areas shall be mowed when and as necessary to keep the grass neatly trimmed.

5. **Parking Area:** The Parking Area shall not be used for any activity or use other than the parking of cars / motor vehicles. Outdoor storage is not permitted. Outdoor displays and sales are not permitted. The Parking Area shall be kept and maintained as required by the Town Code, including restriping when and as necessary or as required by the Town Code. Plowed snow shall be stored in the areas designated for the same on the Site Plan.
6. **Drainage Systems:** All drainage systems and devices located on the site, including those shown on the Site Plan, shall be used and maintained to perform as designed and intended.
7. **Lighting:** Outdoor lighting at the site shall not exceed the least radiance allowable by the foot candles limitations imposed by applicable law or as otherwise shown on the Site Plan. No flashing lights are permitted. No illuminated message boards, motion pictures, animated displays, video displays, etc. are permitted.
8. **Fencing:** There shall be no fencing, except as shown on the Site Plan or as otherwise explicitly permitted by the Town Code.
9. **Dumpster:** The dumpster enclosure shall be maintained in a neat and orderly state, as per the Site Plan. The dumpster(s) shall be emptied when and as necessary so no trash, debris, refuse, etc. spills over or accumulates outside the dumpster. No trash, debris, refuse, etc. shall be placed or deposited outside the dumpster.
10. **Signage:** The within approval does not permit the placing of any temporary signage on the building and/or on the site that is not permitted by law. All signs must comply with applicable laws, including the local laws of the Town of Wallkill, and there shall be no illuminated, flashing, animated, and/or otherwise lighted signage. No signs that are not shown on the Site Plan shall be permitted on the Site.

11. **Limits of Disturbance:** Prior to commencement of any site work, the limits of disturbance identified on the approved plan shall be fenced, marked, flagged, and/or signed prior to any equipment being moved onto the property, so as to protect the vegetation, soils, and water features from degradation. All such fencing, marking, flagging, and signage shall be in place and acceptable to the Building Inspector prior to any site work being performed.

Dedications, Documents & Agreements Required:

12. **Stormwater Agreement:** A stormwater maintenance agreement shall be entered into between the Applicant / Owner and the Town of Wallkill, if required by the Town Attorney, which agreement shall be subject to review and approval by the Planning Board Attorney and the Town Attorney.
13. **Dedications:** Prior to the signing by the Planning Board Chairman of its Site Plan, the Applicant shall make such offers of dedication, if any, as are shown on the Site Plan. Any dedication of land, easements, etc. shall be accompanied by a title report and policy of title insurance that insures to the satisfaction of the Town Attorney such interest as is being acquired by the Town. All expenses associated with such dedications, including recording fees, shall be paid by the Applicant.
14. **Construction Inspection Agreement:** If required by the Building Inspector, the Applicant shall enter into a Developer's Agreement as well as a Construction Inspection Agreement with the Town of Wallkill, which agreement shall set forth the terms and conditions of the work to be performed by the Applicant, and shall also provide: (a) that such work will be performed by the Applicant at its sole cost and expense; (b) that the Applicant shall pay to the Town of Wallkill such fees, including connection fees, as are applicable; (c) that the Applicant shall post with the Town adequate financial security for performance of the work; (d) that all work that is performed off-site of the Premises shall be performed in such public right-of-ways as are designated by the Town for such work, with the Applicant being responsible for procuring, at its expense, any necessary rights-of-way that do not presently exist; (e) payment of such escrow amounts as reasonably required by the Town for inspection of the work; and (f)

such other matters as are deemed necessary and/or advisable by the Attorney for the Town.

15. **"As Built" Plans:** The Applicant will submit such "as built" plans as are required by the local laws and/or applicable codes of the Town of Wallkill.

Fees & Financial Security:

16. **Financial Security / Bonding:** As a condition of the signing of the Site Plan by the Chairman of the Planning Board, the Applicant shall post with the Town of Wallkill such financial security, if any, as is required for security in relation to the construction of the site improvements. The amount of any such security shall be determined by the Town Engineer, and the form of the security shall be approved by the Attorney for the Town.
17. **Traffic Mitigation:** All Traffic Mitigation fees in amounts set by Town Board and/or Planning Board to be paid on a square footage basis, which payment shall be made before the issuance of any building permit.
18. **Town Fees & Expenses:** As a condition of the signing of the Site Plan by the Chairman of the Planning Board, all fees due the Town of Wallkill, including any fees due its consultants, such as the Town Engineer and/or the Town Attorney, be paid in full.

Subject to Other Permits & Approvals:

19. The within Site Plan Approval does not relieve the Applicant from securing any other permits and/or approvals that may be necessary to use the site, including any applicable building permits, driveway permits, and permits from outside agencies, including the NYS Dept. of Environmental Conservation ("NY DEC"), Orange County Health Department for approval of a water main extension and Orange County Department of Public Works for a Highway Entrance Permit.
20. Within ten (10) days of its receipt of the same, the Applicant shall provide the Planning Board with a copy of any permits issued by the NY DEC, including any permits, approvals, authorizations, etc.

relating to wetlands mitigation and/or remediation, and any State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, and any Stormwater Pollution Prevention Plan (SWPPP).

21. All conditions of the Site Plan Approval and Special Use Permits heretofore approved by the Planning Board shall continue to be of full force and effect.

Other Conditions:

22. **Town Inspections:** As a condition of the approval of the within Site Plan, the owner of the property depicted in the within site plan irrevocably gives permission to the Town of Wallkill to perform such inspections and/or patrols as the Town of Wallkill deems, in its sole discretion, to be reasonably necessary of the public areas of the above-referenced property. Said inspections and/or patrols of the public areas can be performed without notice or pre-conditions as the Town of Wallkill considers appropriate under the circumstances. Said inspections and/or patrols can be performed by any authorized person acting for the Town of Wallkill, including its police officers, code enforcement personnel, and/or its parking enforcement patrol personnel. The permission granted hereby is in addition to any other right the Town of Wallkill has to inspect the property, and it is not in limitation thereof. This permission shall not be revoked so long as the property is used and operated in a way that is open to the public and/or pursuant to an approved site plan or special use permit.
23. **Code Violation:** It shall be a violation of § 249-7 and § 249-52 of the Town Code of the Town of Wallkill to use and/or occupy the site depicted on the within site plan in any manner inconsistent with the approvals granted therefor by the Town of Wallkill Planning Board. At all times, the site shall be maintained in conformity with the approved site plan. Failure to do so shall be punishable as provided under applicable law, including enforcement action by Town Building Inspector.
24. **No Special Duty:** The Town of Wallkill does not have a special duty to the Site Owner, Operator, and/or general public with respect to the

construction, care, and/or maintenance of the Site.

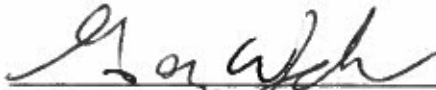
- 25. Binding on Successors and Assigns:** All terms and conditions stated herein shall run with the land and bind all successors and assigns who own and/or operate the Site.

NOW, THEREFORE, BE IT RESOLVED

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

Dated: January 15, 2020

TOWN OF WALLKILL PLANNING BOARD



Hon. Gary Lake, Chairman

The original of this resolution was filed with the Town Clerk on **January 15, 2020**
A copy of this resolution was filed with the Town Building Dept. **January 15, 2020**
A copy of this resolution was mailed to the applicant on **January 15, 2020**

Project: Crystal Run Crossing Lot 9 - Hotel

Date: January 8, 2020

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|---|--|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Planning Board

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

1/15/20

Date

Chairman

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

Town of Wallkill

PLANNING BOARD MINUTES

January 8, 2020

Members in Attendance: Gary Lake

Clark Najac, Bill Capozella, Doug Dulgarian

Andy Guattery, Tom Hamilton, Jim Keegan

Also in attendance: Dick McGoey, MH&E PC, Consulting Engineer

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING

G Lake: ok we have a little business to take care of and then we do have a PH tonight. If you want to speak at that PH, come up fill out a blue card and then we will call you at the proper time. First order of business is re-organization. I'll read it off and I'll look for a motion and a second.

Chairman: Gary Lake

Vice Chairman: Tom Hamilton

Planning Board Attorney: Tad Barone

Engineer: Dick McGoey

Newspaper: Time Herald Record

Meetings will be the first and third Wednesdays of the month at 7:30PM.

Alternate meetings if needed. Will be the second and fourth Wednesdays of the month. All WS will be following the meeting of the first and the third Wednesdays. Motion Doug/Andy 7 Ayes 0 Nays.

Correction: WS sessions the Monday following the meetings.

1 - Crystal Run Crossing Lot #9 SP/SUP 12 Ben Gilman Way (78-1-80.622) #113-19

Again we have one PH. Again if you want to speak, please come up and fill out a blue card. Then we will call your name. I will have MaryLynn read the first PH for Crystal Run Crossing Lot #9.

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M Hunt: "Notice is hereby given that a public hearing with the planning board of the Town of Wallkill, Orange County, NY. Will be held at the Town Hall at 99 Tower Drive bldg. A Middletown, NY. In said town on the 8th day of January 2020 at 7:30PM or soon thereafter as the matter can be heard that day on the application of Sara Hospitality LLC 590 Rte 211 Middletown, NY 10941. And Crystal Run Crossing LLC PO Box 33 Skaneateles, NY 13152. For site plan approval and special use permit located at 12 Ben Gilman Way, also known as Section 78 Block 1 Lot 80.622 under section 249-26.2 under the zoning laws of Town of Wallkill. All parties of interest will be heard, at said time and place." I did receive the mailings.

G Lake: OK thank you. Name for the record please.

Tom Depuy of T M Depuy Engineering. Representing Sara Hospitality who is proposing a 98 room motel, 5-stories high located on what is known as lot 9 Crystal Run Crossings. Access will be off of Ben Gilman Way it will also be water and sewer service from the town of wallkill public sewer system. Storm water management will be taken. We have an existing storm water management pond on site. We are also augmenting it with some underground infiltration. Basically the building will be five stories. It's going to be a combination of brick, and some wood looking material with a combination of blue and brick tone.

G Lake: Ok let me go through the board before we go with public

D Dulgarian: I'll wait

J Keegan: Wait

B Capozella: after

C Najac: after

A Guattery: after

T Hamilton: After the public

G Lake: Ok I open this PH at 7:33PM. Anybody? OK then motion to close the PH at 7:34PM **Bill/Tom 7 Ayes 0 Nays**

G Lake: OK so your PH is closed. OK so Dick's comments

T Depuy: yes

G Lake: is there any problems with any of them?

T Depuy: No we don't have any problems on any of the comments. In fact, we made all the changes to the drawings that were requested and I think we have no problems with any of them.

G lake: OK, let me go back through the board

D Dulgarian: First off we had questioned the need of hotels in the area. What I will say about this site is it has always been talked about for a hotel when SD was done. You could tell me how many years ago you were before, but it's for quite some time. So we always had this spot air marked. I do appreciate you guys submitting the feasibility study that shows that the area can handle another hotel and according to this not only it can handle it, the area needs it. Now having said that and having read most of that I still am leery of the amount of hotels that

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are coming. At what point do we have an adequate number of rooms and how far down the road is it when all the hotels are built if we don't fill them what do they become. But I believe we are OK for this for now based on all the information we have. I have just a question about the map. In front of gasland out by Ben Gilman Way, this is all hashed – what is that? Is that landscaping? It almost looks like truck parking spots. The way people draw them. But I have no idea why it's hashed, even through the landscaping.

T Depuy: we have parking out in that area. That's to indicate that there's an easement. So you can see there's an easement.

D Dulgarian: that looks like 18 wheeler parking. Ok so that's just the easement that you guys have for the front there? And the roadway runs through it. There's parking on the other side?

T Depuy: There's going to be parking on this side.

D Dulgarian: so that parking is for the hotel?

T Depuy: Yes we actually have a shared parking agreement with Gasland but that's really for the hotel.

D Dulgarian: this is the raised pedestrian walkway?

T Depuy: Yes

D Dulgarian: I knew about that parking but I didn't understand those hash markings. Gary I'm fine with the project and I appreciate all the information that they provided.

J Keegan: Yeah I do appreciate having the study even though I feel like it's a little inadequate given the facts that a lot of people go with Air BnB, RBO, Home Away and things like that. With my wife when we go away, that's the first thing she looks at and then looks at hotels. So I think if you take into that account also that adds hundreds more rentals to the area. But in this case with this lot, it's made for a hotel, it's with other hotels and I think that this hotel won't have that kind of problem, that maybe another hotel will have down the line. I do appreciate that and as far as the project, I appreciate the raised crosswalk, that's definitely going to help. I was over there the last couple of days watching people come whipping in and out in that area. Because you kind of have to get across three lanes, whip in. Come in and making a left. SO having that raised crosswalk will slow people down. Gary I have no issues with the way the projects laid out now.

B Capozella: I don't have a problem. First come first serve, why don't start that way with the hotels. Because we are concerned about number of hotels in the town of Wallkill. You were in front of us before and there's several other ones that are due to come in front of us. We asked for the study, you gave us the study. The one thing that I looked at this study and you kind of emphasized that our hotel is the distinguished differently, didn't necessarily say the words upscale or whatever but there are things that distinguish your hotel compared to other hotels in the area. Although you didn't really actually specify what they are. You said about management but I'm not 100% sure about what this hotel would offer people versus others. The fact that you kind of hinted in the survey but didn't actually give me the total details is just a question that I have. It's nothing to hold up the project or whatever but I don't know if you want to add to something like that as far as what you think the hotel, is different than the ones that are in the area.

T Depuy: we just have other management ideas and stuff like that.

B Capozella: OK

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C Najac: This has been around for a long time. The original sketch that was with the SD's included this hotel. It is in the perfect place, right next to the exit ramp. Right next to the entrance ramp. It's next to the fast food joints next to the gas station. People are going to pull off the exit spend the night eat something and get back in their and get right back on the highway. Yeah there a lot of hotels in this area but this was something that, I'm thinking close to 10 years ago.

T Depuy: I think it was 15 when we first started.

C Najac: So you have been here and just haven't built it yet but we were thinking about this lot back then so. Hopefully we can fill all the other hotels. I'm guessing yours will be a lot easier to fill because you are right next to the exit and entrance ramps. That's it Gary

A Guattery: Yeah the plan is fine. I know we talked about wither a striped crosswalk or a raised crosswalk on that NE corner. I don't see it on here but I know it's one of Dick's notes for #8.

T Depuy: yeah we had put it halfway down the road in order to block in both directions.

A Guattery: that's the one halfway down Ben Gilman Way. But when you come further down to the NE corner of the building itself, your sidewalk reaches the corner and there's a little back. The rear road of the hotel, we don't have anything from that sidewalk coming down Ben Gilman coming to the sidewalk that goes around the building. So the cars leaving the gas station, see where I'm talking about?

T Depuy: Yeah but that's a stop lane.

C Najac: will we stripe the crosswalk?

T Depuy: what?

C Najac: can we stripe the crosswalk?

T Depuy: yeah we can stripe it.

C Najac: at the very least because yeah it's a stop sign and this is NY so a suggestion to most people so we really should at least stripe or something there. If not a raised crosswalk.

T Depuy: Ok

C Najac: And then I know there's also a note on here about snow storage. I'm assuming because it kind of drops off in the front that you would plow off to the edge. Is there no plans for a freestanding sign along.

T Depuy: one small freestanding sign right out at that arch stone wall. Right out at the corner.

C Najac: up at the end of Ben Gilman and Crystal Run? But nothing on the state 17 side?

T Depuy: no

C Najac: just whatever is on this side?

T Depuy: no because basically we need to direct the people to come down Ben Gilman to be able to get to hotel

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C Najac: right, OK because that would interfere with the snow if we put something there. Other than that Gary, I have nothing.

T Hamilton: Like they all said, it's always been on our agendas for years now and the way this was going to go is. It's a shame it took the state so long to figure out what they were going to do. Even though they only gave us half of what they were supposed to do. It didn't affect this hotel that much so nothing more Gary.

G Lake: OK your snow storage, I know we talked about it at a WS. Whereabouts are you?

T Depuy: we had indicated on the landscaping plans. About removing it in 72 hours

D Dulgarian: what are you doing between now and 72?

T Depuy: we have an indicated storage areas that don't affect the parking but we also reserved some of the parking area and then those areas would get it removed within 72 hours.

D Dulgarian: and that typically won't see anything unless it's heavy.

G Lake: Yeah I think that's we brought up at the WS, try to please everybody.

D Dulgarian: where is that note?

D McGoey: landscape plan in a box.

D Dulgarian: It's not on the notes?

D McGoey: It's not on the notes, no. In a big box on the SP-3.

T Depuy: I don't know whether their version has it on

D McGoey: It doesn't

T Depuy: we had put it on the first sheet, SP-1 and SP-3. So it's on the very first sheet.

D Dulgarian: Dick you are satisfied with what they have?

D McGoey: yes

D Dulgarian: OK

G Lake: an image that comes right before the final check so right before I sign we will make sure. This has always been planned for a hotel. Thanks for the study. I did which I was talking to Dick the other day about. He thinks I am nuts sometimes but on Sunday night I did ride around to every hotel that we have in the town on a Sunday night and I was quite surprised with the number of cars I saw. I hit, even the one out on the South side of Middletown so along with your study and physically what I saw on Sunday night. I guess there's still room. With that Motion for a NEG/Dec Part III EAF Bill/Jim

Marylynn call the role:

Mr Dulgarian: Yes

Mr Keegan: Yes

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Mr Capozella: Yes

Mr Najac: Yes

Mr Guattery: Yes

Mr Hamilton: Yes

Mr Lake: Yes

**G Lake: ok motion for a conditional SP approval Special use permit subject to everything that is in the NEG/DEC
Andy/Clark Marylynn call the role:**

Mr Dulgarian: Yes

Mr Keegan: Yes

Mr Capozella: Yes

Mr Najac: Yes

Mr Guattery: Yes

Mr Hamilton: Yes

Mr Lake: Yes

**G Lake: OK so you have a conditional and you are done with your PH and as soon as you get that new letter from
the state. Sorry about the traffic thing. Just get everything back in, OK? Thank you.**

2 – Dunkin Donuts SP/SUP – East Main St (73-1-1.23) #29-16

G Lake: good evening, name for the record please.

Jay Samuelson Engineering Properties

G lake: you are looking for a one-year extension on the DD across from Mechanicstown School?

J Samuelson: Correct

G Lake: Ok let me go through the board and see if they have anything.

D Dulgarian: No, one-year is fine with me.

J Keegan: one-year

B Capozella: one-year

C Najac: one-year

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A Guattery: one-year

T Hamilton: one-year

G Lake: motion for a one-year extension Tom/Doug 7 Ayes 0 Nays

3 – HomePro SP – Bahrenburg Road (40-1-34) #16-75

G Lake: you are looking for a one-year extension?

William Pignataro HomePro Exteriors.

G Lake: OK you are looking for an extension?

W Pignataro: yes please

G Lake: for one year

W Pignataro: yes

G Lake: we didn't give it to you before. Ok let me go through the board

D Dulgarian: January of 18. Yeah I have no problem with one-year

J Keegan: yeah one year, that's fine

B Capozella: one year

C Najac: one year

A Guattery: one year

T Hamilton: anything on progress?

W Pignataro: well I purchased another building 513 Rte 211E that I just received recently my approvals on it, so we started the work on that. So I want to get that finished, move into there. Because the barn project is extensive and is going to take me close to a year to finish. So

T Hamilton: but it's been how long since approval

W Pignataro: listen I don't have, I didn't have my approvals, there's been a lot of things, it wasn't a smooth transition. I'm not blaming anybody, I don't know who's fault it is. I am just the guys that's paying for everything and

T Hamilton: we approved that site that barn

W Pignataro: recently, not that long ago

T Hamilton: the barn

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A Guattery: yeah It was only a year ago.

T Hamilton: I'm talking about the barn first nothing's really been happening there, and then they came in for the site on 211, that's been sitting now and they need to make an extension for this. Nothing is happening on either one. I was just curious on when they were going to start something, that's all

G Lake: Yeah, I'm curious, are your plans still to redo the barn and then in the way you showed us. It was a great project, I think everybody is really looking forward to seeing it done.

W Pignataro: I want it done quicker then you want it done. It's been an eyesore since I was a little kid. It's a project that I'm looking to do

G Lake: And we are looking forward to you getting it there, OK

W Pignataro: It's been taking a long time. Every time they say I have everything and then I go down, I need this, I need this. I wasn't getting all the answers, plain and simple, whether it was people on my side that I hired to do it or your guys side. I don't know what the deal is. It's a matter of, that's my ultimate goal. I purchased that other building because it would be faster for me to move instead of me paying a lease that I am at on a building that I need more people, and I can't even hire more people. In my eyes I have two high visibility properties, two excellent locations. Both of them were really run down, I just need to get one. The fastest one up and running, so I can get situated and then focus on the other one.

G Lake: OK no that's good. That's what we want you to do. We are behind you 100% so. **Motion for a one-year extension Andy/Clark 7 Ayes 0 Nays.** OK so you got a year

W Pignataro: Thank you

G Lake: get moving, OK Thank you

4 – Walmart SP REV. 470 Rte 211E (50-2-63) #115-19

G Lake: OK name for the record, Please.

Mark Talbort Dewberry Engineerings

G Lake: OK go ahead, bring us up to everything that's been done. I know we had a conference call. I'll have Dick jump in on that once you are done.

M Talbort: correct, the project was tabled and a meeting in November, I believe. The biggest outstanding comment were the request of some traffic calming measures. So we proposed four concrete speed humps two at the front drive very similar to the layout of the existing Sam's Club. Two in the outer ring road. Those were the two areas that were requested that those be added. We have added those to the latest site plans, they are concrete. We feel that that addresses the comments adequately.

G Lake: ok yes Dick would you like to add anything?

D McGoey: no I agree, that was a big issue for the board and they are wide and they accommodated us. One question I did have was were they going to be painted yellow or just have those arrows on them?

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M Talbort: what we have shown was the markings for those. If yellow is preferred by the board, we are happy to do that.

D McGoe: what's consistent with the yellow arrow and then plane concrete.

M Talbort: It's plane concrete and actually a white arrow.

D McGoe: white arrow

M Talbort: Is the marking but if traffic yellow and the whole thing painted is preferred that's an easy switch on our detail and we would be happy to do that.

D Dulgar: Yeah, it's consistent with all the other ones out there.

G Lake: thank you Dick let me go through the board, Doug do you have anything else

D Dulgar: how did you end up in here, what did you come in for just the front of the building, just the parking and the...

M talbort: yes as far as the site civil piece of the WalMart remodel. The main focus was the front restriping, the crosswalks, redoing some signage and then now we have the speed humps in both areas and we have some additional stop signs, stop bar and stop lettering at some intersections.

D Dulgar: Dick would it be appropriate at this point to try to get a note on the map for snow storage. Typically that's a bad site, where there's always snow in the designated parking spots. I know they are here for something else but this is our opportunity to get that on the map, to clean that up. But always, last year especially there was piles out there forever.

D McGoe: I don't disagree with you, I wish you brought that up at the last meeting.

D Dulgar: well it could be subject to you seeing it and signing off on it. I believe it should exist to protect ourselves so we can have some sort of teeth in the enforcement when they leave piles out there for weeks or months, in the winter.

D McGoe: we want to have something to have the 72 hours like we have been requiring the other developers to do

D Dulgar: sure, that's the only suggestion, I would have Gary. I like the project, I am glad that they did the speed humps and I think it's really going to improve the pedestrian travel throughout the whole site. I'd like to take the opportunity while they are here just to get a quick note on the plan about their snow storage because it has been so bad. That's it

J Keegan: I'm happy that they added the speed humps, I have no issue

B Capozella: I don't have any issue.

C Najac: I'm very happy that you added the speed humps, it's going to be a life saver, probably. Doug I agree with you because I remember when I first got on the board. You and I went out took pictures of the trees that were under the piles of snow. If we could do something about that, good. Otherwise everything else is fine.

M talbort: can I request that an e-mail be sent that it's something you are looking for as far as the notes go.

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D McGoey: I'll send you a copy of what we have approved on another project.

M Talbort: perfect

A Guattery: yeah the speed humps are absolutely. That was kind of a nonstarter without good. Thank you for doing that. Paint them yellow. People don't look at line markings, they don't look at road markings. Paint them yellow so they stick out.

M Talbort: there's also signage, but yellow is no problem

A Guattery: because the next thing that you are going to get, is corporate will be getting a phone call from somebody that battered up there car because they went over it at 50. Paint it yellow so you can tell. Other than that I am good.

T Hamilton: Everything that we added. Almost everything that we had the last time he was here, shows. Also that they cleaned up that storage area in the back left hand side. That's been cleaned up now. Looking much better. OK

G Lake: OK thank you. OK yeah those speed humps are going to be a life saver. I was out there a couple of times, it's just shocking how many people make that dash. Across that area, so.

Motion for a NEG/DEC Part III EAF subject to our comments 7 Ayes 0 Nays.

Motion for a SP approval subject to our comments in the NEG/DEC Bill/Jlm 7 Ayes 0 Nays

Ok very good he will send you the e-mail on that note. OK Thank you

5 – Dunkin Donuts SP – MedParc Drive (78-1-94.1) #123-19

Jay Samuelson Engineering Properties

G Lake: go ahead

J Samuelson: this project here is the continuation of 599 East Main Street where the Holiday Inn Express was recently built. This was our overall for the entire site that showed two hotels, the nursing center, the warehouse, and two pad sites up front. So we are looking to start a process one of the pad sites up front for a DD. Coming in where the entrance opposite the quickchek exit. It'll be a two-way in. Off of MedParc Drive. We are looking for a right in and right out onto Dunning Ave. So be coming into the drive-thru which will go around the building and will exit if they want to go North on East Main, they could make a right out otherwise they will come back through and come back out at the light to make a left. So we are here for a sketch tonight

G Lake: that's your stacking lane up there?

J Samuelson: the stacking lane is behind the building. We have a dual sign board and it's two actual order locations. As you pull in the traffic will split. There are two places to make an order and then they will pull back together in a single lane. Most of the fast food places have found that this is a very economical and feasible way to less the length of the queue and still have as many cars in there.

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G Lake: now is this lot already cut out

J Samuelson: this is not. It'll be a SD of part of the remaining lands as part of this project. This will be about 3.5 acre lot that the applicant DD would be buying that whole parcel.

G Lake: OK are you going to combine this SD with the other one?

J Samuelson: we may combine this SD with the Warehouse Project but not the other one. The other one we want to proceed with it sooner. The one that's on next for the second hotel we want proceed with that one sooner. Faster than this one.

G Lake: you might want to do that one sooner?

J Samuelson: yeah the one with the hotel we want to proceed as fast as possible.

G Lake: Ok so you don't want to combine all of the SD

J Samuelson: we can combine this SD with the warehouse but not with

G Lake: I am just figuring that we are trying to save a step

J Samuelson: unless I can move. I'd rather not because I would like to work on some of the design on this one before I finalize that one. The other one I know is pretty much set.

G Lake: I just figured I'd ask you to see if we could save a little time. And move you

G Lake: OK Dick's comments, you have any before I go through the board? I guess you are just here to

D McGoe: one thing, I have some comments that restrictive right in, right out when you onto East Main Street. That we do something a little more structural to keep people from making a Left hand turn in off of Dunning.

J Samuelson: ok we can modify that so we can make a bigger island. Make the turns, off of East Main

D McGoe: sorry East Main right

J Samuelson: make the arc's on the right in and right out larger. Like a larger center isle that is curved to prevent the left turns into the site from there.

D McGoe: because they will be making a B-Line from Michaels Appliance into

J Samuelson: so a side note on that project, I was finally able today to schedule a meeting with the county to review the slew of projects in the East Main/Dunning Corridor. So that will be on the 23rd. To talk about traffic in the whole area. And what we are going to do. And a big conversation is going to be about the Bhansuall Projects. We did reach out to several higher up in the county today to start to push them as well. Assist us in getting that piece that we need to make those improvements along East Main Street.

D McGoe: town invited to them?

J Samuelson: they can be January 23rd at 10:30

G lake: where's that meeting going to be?

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J Samuelson: at County DPW.

G Lake: let me go through the board, I guess this is up here for sketch today.

D Dulgarian: Ok you are talking about SD and yadda yadda. You also said that this site shows two pads although you are only going for one now.

J Samuelson: correct, if you remember when we go back, we started this whole thing we had a development plan for the entire project. We are leaving room to eventually come back and do a second pad.

D Dulgarian: why don't we SD that now?

J Samuelson: until we figure out the design, I don't want to limit either one of them until they decide what they want to do. I'd rather not SD it rather than try to do a lot line change later on. That's our reasoning behind it. We understand the additional PH on that when

D Dulgarian: I agree with Dick's comments because every place we have one of those *right only's* people abuse them. We have one on Galleria that they finally had to change after a year. We have one behind Orange Plaza, people still make the left. So it really has to have enough curbing/arc to it so it can't be done. Other than that, I don't have a problem, it would be kind of cool having a DD right there.

J Keegan: I agree, it fits in really nicely there and I am sure it'll be packed just like the Quickcheck is always packed. Sketch, no problem when you come back we will want to look at things like crosswalks where the entranceway is and then a stone wall feature to match the one that Quickcheck has. Things like that, but other than that, sketch no problem.

B Capozella: yeah the site sketch, I don't have any issue with really. I know everything is East Main Street and traffic but there is another DD up there that'll probably take a lot of people off also and this kind of makes business sense. You are going to have a warehouse and two hotels, a DD makes business sense. Nothing else Gary.

C Najac: sketch, no problem. Yeah it just makes sense. We are working on the traffic already so hopefully something will happen before the 23rd of October. The other hotel is going next to the one that's down there already right?

J Samuelson: correct

C Najac: alright. I have no problem with the sketch. I'd really like to see a stripe crosswalk and a sidewalk along the access road. Because people are going to be coming from the hotel they'll walk over to quickcheck. The sidewalk comes up and along but then there's no way to get to DD and whatever else goes on there. That'll probably be fast food or something. So that'd be really good if we had a sidewalk running along inside the lot.

J Samuelson: there is one along on East Main but I agree

C Najac: I think inside would be a much better idea. Because that's what people will do, they will just walk through the parking lot. That way I don't have to worry about how I get to your place if I don't have to park. I have no problem with the sketch.

T Hamilton: nothing else.

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G Lake: ok motion to accept this as sketch Tom/Andy 7 Ayes 0 Nays

6 – Devitt 2 Lot SD – Med Park Road (78-1-94.1) #48-19

J Samuelson Engineering Properties: so again this is back from the same property, this is the lot adjacent to the existing hotel. We have a second hotel planning to go in there, but we are looking to SD this also for financing purposes to get the process started. So it is an odd shape lot, I will give you that. It is to obtain the required area that's required for the hotel rooms and still maintain the available property to do the other developments which were shown on that overall plan. Including the nursing center, the hotel, the DD and the other pad site. We are looking to move forward with this SD so we can bring that application for that development.

G Lake: Just run your finger around that new lot shape, just so everybody can get a

J Samuelson: It's going to be a very odd shape

G Lake: now that chunk, what are you going to with that?

J Samuelson: at this point in time if we build the hotel with the plus or minus 107 rooms that make us get to the 200 that we always talked about. Doing anything here would require some sort of variance because we wouldn't have enough land area for a hotel. So at this point in time there's nothing proposed there.

G Lake: landscaped up, nice?

J Samuelson: we can landscape it, we may incorporate part of it as some of this. But at this point in time there's nothing proposed in that area. Just going to be an open area.

G Lake: I am just looking at it as people are coming in, just a thought. But maybe like a little gazebo type feature just to dress up that whole knew little complex that were are doing right there.

J Samuelson: just a little open area, park type thing, yeah.

G Lake: it's going to be open. Bass pond? I?I, Just a thought. If we are going to leave it then try to jazz up that whole development that you guys are creating. Let me go through the board.

D Dulgarian: yeah I don't have a problem with this and before he comes back for the hotel we are going to have more about those traffic studies, right?

J Samuelson: well this hotel will equal the 200 that was part of that original traffic study that was approved.

D Dulgarian: you're right, I'm sorry. For the 300,000 is what we need a traffic study. Let me just one question. In your short form you guys had checked yes for it being like an archeological but you some sort of approval. Was that for the entire site?

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J Samuelson: when you fill out the EAF on line nowadays. It automatically checks it yes. It's in their database that this property has potential for archeological sensitivity. When we did the very first hotel. We did archeological for the entire site and got it signed off that there's nothing. So we are good to go.

D Dulgarian: Adjacent to or part of. I didn't know if it was the one site. Because it came up where Dunkin was.

J Samuelson: once you put it in the DEC system it's still one big tax lot.

D Dulgarian: yours covers

J Samuelson: yes our original study covered the entire lot.

D Dulgarian: thank you, Gary I have nothing else. I think it's fine, I t's understandable, that's what they need to move forward. We already approved the hotel so.

J Keegan: I don't mind that the odd size lot and this and that it's just amazing that when they first came to us with a possible build out. It was beautiful office buildings and landscaping and things like that but now we have a warehouse, storm water ponds on the main road odd shaped lots. But I guess it is market driven so... Nothing we can do about that, I'm fine with

B Capozella: I don't have a problem. The hotel was originally designed for this lot. The archeological study that's a thorn in my side. The hospital did a bid study and they didn't find anything. You didn't find anything, you go on the NYS website, they could tell you all the archaeological stuff that's around buried, and they don't even want you to touch it. Because they don't have any room for it. But they still ask you to do the studies.

C Najac: yeah this makes sense to put the second hotel there. As you suggested Gary that weird space that they are not doing anything with a gazebo a couple of benches, this way all the people in the hotels and the nursing home will have some place to hang out when they get back from DD. They can relax and read the NY Times. Everything seems to fit except for that warehouse. I wouldn't want to be living in that Nursing home and my view out my window is some monster warehouse. It just doesn't make sense. Think about something else. It's not in stone yet.

A Guattery: I will echo Clark's sentiment on that. I have no problem with the SD, it's fine. The more and more this builds out, we got the hotel and the apartments on the other side McDermott. That warehouse is more and more on being a less of a fit as we along. But I have no problem with this.

T Hamilton: I have no problem, but I remember when they were going to do that high rise senior thing and everybody complained about the height of that. They didn't want to look at that. Just shows you the change in times. Nothing else.

G Lake: I don't have anything else. **Motion for sketch Clark/Tom 7 Ayes 0 Nays**

Motion to set up a PH February 5th Bill/Doug 7 Ayes 0 Nays

7 – AT&T Cell Tower Co-Location SP/SUP 100 Carpenter Avenue (50-2-28) #125-19

G Lake: Good evening, name for the record, please

Christopher Quinn I am the lawyer for Pinilishalpern LLP counsel for AT&T. Which technically they are licensing under the name of New Cingular Wireless PCS LLC. We are here tonight for a project that is proposing a new telecommunications facility. It'll be inside the existing flagpole over at the County Fairgrounds property over on Carpenter Ave. What we are proposing is three antennas will go inside a canister that canister will go on top of the flagpole. So it'll be a 4' high increase of the flagpole. We will have one equipment cabinet and one 30kw diesel generator at the base inside the existing fenced in compound. Pretty straight forward application. Pretty sure the project this site was designed for this type of installation. To have co-location and whoever wanted it to be here in this location instead of building a tower. It'll provide AT&T's customer service. It will also provide what we call FirstNet service which is for all type of first responders regardless of what kind of owner device they use. Whatever customer they are they will be able to use the FirstNet service that At&T provides. So it'll help public emergency services throughout the area as well. I have our engineer here and he can answer any questions that you may have.

G Lake: OK now your footprint on the ground where your fence is – does that stay exactly the same?

C Quinn: the fence?

G Lake: you're going right inside, correct?

C Quinn: correct

G Lake: I just wanted to make sure for everybody.

C Quinn: It was designed to accommodate additional space for AT&T's cabinet footprints are very small. The cabinet itself, you used to see these Verizon ones that are 20'x10' this is actually 8'x8'. The cabinet that you can walk into and the generator is

G Lake: and the antenna is on the inside of the pole?

C Quinn: antenna and everything is going on be on the inside. The question came up about the flag –the flag will be raised up to the top of the pole. So where they extend it and the flag will just go on top.

G Lake: OK let me go through the board

D Dulgarian: well the intent when the pole went up was to be able to have co locations on there that's the growth of this and obviously you don't need to put up other poles. I don't see any major changes in the footprint is the same and everything is still in the fenced in area. So I think it's minimal impact and I think that's what this was designed for. This type of rough draft.

J Keegan: nothing

B Capozella: I would just say this engineering explanation or whatever about the radio frequency exposure or whatever says it's less than 10% that we submit that or with this plan? Just to cover ourselves. We looked at it they supplied it to us. We will take it for their word and this way we have some evidence of it. Good

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C Najac: yeah this will work very well. We are just adding a few extra feet so we are not putting up another tower someplace else. No one will ever notice once your equipment is gone. Perfect

A Guattery: Yeah I got nothing. I'd rather see 20 more feet of pole than 20 more poles.

T Hamilton: Yeah correct, you know as long as they will go along with the co-location part and added it no problem.

G Lake: Good. Ok I don't have anything else.

We will do a NEG/DEC Part III EAF Motion Doug/Jim 7 Ayes 0 Nays

Motion for a SP modification subject to our comments Andy/Tom 7 Ayes 0 Nays

Ok so you are all done.

8 – LakeView Nursing Home SP/SUP – O'Brian/Midland Lake Rd. (40-1-28.321) #12-18

G Lake: name for the record

Jay Samuelson Engineering Properties so this is a nursing home that was proposed a few years back on Midland Lake and O'Brian Rd. It kind of went dormant for awhile. We picked it up and have made some changes to the layout of the plan. There was some previous issues. Major changes are we now have the main access off of O'Brian Rd. Which will come in and go around the building with emergency access back out to Midland Lake Rd. There were some changes with the building basically we kind of moved it around a bit. We made the wings a little bit longer to accommodate the previous issues that were there to address the building. So there's parking in the front for guests. There's parking on the side for more staff. There's a loading area in the back. So this again is a sketch along with this there are a significant amount of roadway improvements to O'Brian Rd/ Midland Lakes Rd and Bisch Rd.

G lake: Ok, I know everybody has seen it before just to get everybody a little more of a background. Give our side table over here a little credit. This has been back and forth, I can't tell you how many times. That these guys have worked on it and then we got the highway people, Michael, to help us move it along. Mr Ingrassia came in and helped us move it along. So I think that we are finally, with your help, I think that we are starting to head in the right direction. To really see this project through. I want to throw that out there because sometimes we all forget how long this has been around. There's been a lot of work for a couple of other people. Let me go through the board.

D Dulgarian: So one of the major differences is the access off of O'Brian and not Midland?

J Samuelson: correct.

D Dulgarian: Cause that causes topo and ???

J Samuelson: There was a lot of issues with people complaining about it being on Midland but yeah there are a lot of issues with topo that addresses it that way.

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G Lake: not to interrupt you on that also but there is going to be some widening of the road. That was one of the hang-ups that you remember. Not only on O'Brian but through talking and finding out that's why Michael was here, so that's going to be widened a little bit. O'Brian down there they own property where they can get that a little bit wider. Without interrupting the neighbors across the street.

D Dulgarian: stonewalls out there?

G Lake: when you go down over that damn, that's what it is. that's some of the things that's been worked on.

D Dulgarian: so is this going to be visible at 35' tall from Rte 17?

J Samuelson: maybe? 17 is kind of over here, I'd have to look at the elevations between there at 17 to even know that answer but I'd have to look into that.

D Dulgarian: when you go out to the other end there, I know there's a house there. I was just curious. I have no problem with sketch, like Gary stated this has been around a long time we talked about it being there. Looks like a lot of effort was put into this to make it better and what we are actually looking now. When the times comes, one of my concerns is going to be to maintain as much old growth as you can. I haven't really walked that site, I got to believe that there's some old growth trees up in there and especially if you have this walking trail of some nice aesthetic features that you would want to keep as many as possible. Obviously we hate clear cutting. So as many as possible. It will cost you less on your landscape plan. But as far as sketch Gary yeah it fits.

J Keegan: Yeah I agree, try to keep as many of the trees as much in the neighborhood there invisible to this as possible. It's a beautiful area, the damn, the lake, it's just a really nice gorgeous area. I am sure this building, when done will probably fit nicely with what it's there for. It's not really an aggressive use with traffic. Now when people come out, what's the traffic pattern going to look for? Out this road or are they going to the Cottage to the light?

J Samuelson: yeah one of the improvements going both ways.

D Dulgarian: you have improvements going both ways?

J Samuelson: correct

D Dulgarian: OK good because that the only thing that Mud Mills Road is just. It's a race track no so let's see if we add cars there to make tight left hand turns

J Samuelson: there's widening on Cottage almost all the way down. In front of the site will be widening to 22' of O'Brian Rd all the way up to the Damn on Bisch Road. And then on the other side of the damn it's still 22' across the damn and then eventually it starts to work it's way down. It actually gets very narrow as you get down to Mud Mills section of that that we are going to be widening back out at least 18'.

D Dulgarian: yeah the widening of the road really wasn't not much of the concern, it's just that once they get to Mud Mills, getting out onto Mud Mills and their making lefts and rights. But I'll take another look at it in the mean time. Between now and when we see him again. That's it Gary

B Capozella: Yeah I'm ok with the sketch at this time

C Najac: Yeah I'm ok with the sketch at this time. So the town is going to allow you to tie into the towns water and sewer?

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D McGoey: there was a meeting with the town board and they generally referred back to you guys, so I'm not sure where that is

J Samuelson: there was a public hearing held but they haven't acted on it because they are waiting for the PB to complete SEQRA. They did have a PH on it awhile back but. They haven't acted on it because they are trying to get through SEQRA.

G Lake: I thought Louie said you could?!

J Samuelson: I think that you can but it never was finalized and formal

G Lake: OK because the sewer main is right there.

J Samuelson: the sewer main goes up to as far as

G Lake: OK, I'll have to check on that, Thank you Clark.

A Guattery: so my understanding, is that the emergency access off of Midland Lake you're doing it like to kind of have to kind mitigate the public side of it? Rather than just make a secondary road out?

J Samuelson: Yes, I know there was a lot of discussions about the access on Midland Lake before so it's more of just to help reduce the traffic out that way. We have two points of access.

A Guattery: the reason I ask I just wondering if it would be better to finish the road and put gate up? So it's not going to be a standard exit but we have a road that's going to be finished at some point later. Whether we need it or not, the weather is bad. It can be cleared quickly, rather than working on stone.

G Lake: I got to say Andy, and now I'm going to put my driving hat on. When you gate these things. I'd be the first guy to tell you, I'm not getting out and undoing the gate. I'm backing down the road and going to the other entrance. It's really just a secondary way out.

A Guattery: yeah the only reason I am saying that is if we do it as a 18' wide gravel road or something. Then everybody is going to use it as a driveway. I'm just thinking that when the public starts going "hey what is this entrance? jeez it's gated." Similar to what we did with 12th rock. Where we have it gated, to make the school happy.

G Lake: that's the only reason I did that with 12th rock. To make the school happy.

A Guattery: well I'm thinking if we are going to run into that, it's something that

G Lake: emergency accesses and, I'm going to tell you that I'm going to think long and hard before I don't see blacktop underneath that truck.

A Guattery: well yeah a truck will go through it but an ambulance tends to not like it so much. It's safe. I'm just throwing it out there.

G Lake: But to gate it, we are putting there for emergency purposes, I guess but to consider and to gate it..... We got one I check it all the time, between Wildflowers and that development. That was a waste of people's money.

A Guattery: I'm just throwing it out there.

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G Lake: I'm just telling you how I look at it.

A Guattery: when the public comes out and says "Hey we don't people driving", because I can just see it now, especially with the truck drivers. When they come around to the back of the building.

G Lake: they don't maintain it, they don't mow it.

A Guattery: The back up to the dock and they'll just keep driving out to Midland and keep going, you know! As long as it looks like a road they'll use it. I have no problem with the sketch. Is this going to be a you know, this isn't going to be a geriatric nursing center? Is it cancer related? I see that's the company that owns it.

J Samuelson: that specific answer, I do not know.

A Guattery: I'm just curious. I think it would be great if we had it but that's it. I am fine with the sketch.

T Hamilton: I'm not a fireman but what about on the Midland Lake side, the fire access to that side where the patio is all of that. You have that road going all the way around that parking lot. What about that back end? That back side, that backs up to Midland Lake.

J Samuelson: we will look at that. We will look at the fire code and make sure we meet code, but I understand what you are saying.

T Hamilton: has the Fire Department seen it yet?

G Lake: Washington Heights? Yes they've seen it.

J Samuelson: they've seen it, OK.

D Dulgarian: I got one quick question. And I don't know who's going to be in here if they are going to be out walking the property or whatever but.... Are you going to have anything to keep them from going down by the lake? Is there any fencing on that other side? I just know because there's new people but the old people used to chase us away every time you went out to look at the lake.

J Samuelson: there's some sort of fence up along here but....

D Dulgarian: on your property?

J Samuelson: No on the opposite side of the road. At this point in time we are not but we can definitely discuss that.

D Dulgarian: people that own the lake

G Lake: Doug it's the same people on both sides!

D Dulgarian: Oh really, oh OK! so then are these people going to be able to sit on park benches out there or is it going to be two separate.

J Samuelson: it's possible but we will definitely let you know.

D Dulgarian: alright then it's a *Moog* point.

G Lake: OK motion to accept this as sketch **Andy/Clark 7 Ayes 0 Nays.** Thank you!

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Motion to adjourn.

EXHIBIT C

**CORRESPONDENCE FROM
THE OFFICE OF ECONOMIC DEVELOPMENT FOR ORANGE COUNTY
AND THE ORANGE COUNTY TOURISM OFFICE**



OFFICE OF ECONOMIC DEVELOPMENT

Steven M. Gross, Director

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Steven M. Neuhaus
County Executive

October 18, 2023

Orange County Industrial Development Agency
4 Crotty Rd
New Windsor, NY 12553

Dear IDA Board Members:

Over the past decade, Orange County has experienced remarkable economic growth, especially in tourism, hospitality, and related businesses. Legoland NY, Woodbury Common, Angry Orchard, City Winery, local craft beverages and family recreational venues like the Castle in Chester have given rise to an ever-growing tourism and destination economy.

This industry was front and center at the 2nd annual Orange County Economic Summit held last month at SUNY Orange. Over 325 people came out to learn about the incredible growth in tourism, hospitality, and the film production industries. A major take away from the summit is that industry and business experts all agree that Orange County is strategically positioned to continue to reap the rewards of the modern destination and experience economy.

A critical component to growing our economy is having an adequate inventory of accommodation facilities. Whether it be for business or leisure, people need a place to stay when coming to Orange County. Hotel rooms are critical in fostering economic growth and enhancing the quality of life for both residents and visitors in Orange County.

Presently, during the height of the tourism season in April through November, we are at, or near full capacity at the vast majority of our overnight destinations. More hotels and overnight stays would allow our community to welcome a larger number of tourists, resulting in increased spending on local businesses, restaurants, and attractions. This, in turn, would lead to a boost in the local economy, job creation, and increased sales and hotel tax revenue.

Additionally, Orange County has contracted with the firm of Johnson Consulting to conduct a Conference Center Feasibility Study. At present there are no large facilities in Orange County that can handle significant corporate or large events. One of the criteria being evaluated is the current inventory of hotel rooms. The consultants have already told us that an adequate number of hotel rooms is critical to the success of such a

venue. Hosting conferences and events of significance requires the necessary infrastructure to accommodate the influx of attendees. Without a doubt, additional hotels are essential to meet this demand and to make Orange County a more attractive destination for various events and gatherings. The study will be formalized in the very near future, but know that it will have positive recommendations that Orange County can support more than one conference center facility.

Additionally, our County's key geographic location in the northeast continues to make us a prime destination for large corporations to locate. Companies like Amazon, McKesson, Medline, Pratt Whitney and now Tesla are all choosing to operate and grow right here in Orange County, NY. As our corporate inventory continues to expand, so does the need for their visitors and clients to have accommodations readily available.

Furthermore, having a diverse range of accommodation options available would enhance the overall experience of visiting Orange County. From budget-friendly to luxury, offering a variety of lodging choices ensures that visitors can find accommodations that suit their preferences and budgets.

Addressing the current shortage of hotels, we can capitalize on the potential for growth and prosperity in our community. Thank you for your dedication to the betterment of Orange County. I appreciate your time and consideration of this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Gross", is written over a horizontal line.

Steven M. Gross
Director of Economic Development



Steven M. Neuhaus
County Executive

Amanda Dana
Director of Tourism

October 18, 2023

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

Dear Mr. Fioravanti

Please let this letter serve as a support letter in favor of hospitality projects that will increase our hotel room offerings in Orange County, New York.

There are many indicators that support an increase in hotel rooms in an area. Simply said, the demand for these rooms has increased our occupancy and average daily rate each year. Our county is no longer just a day trip community, it has become a destination and with this, we are experiencing increased visitors and visitor spending. Our demand is largely due to increased sports tourism, destination weddings, events, and LEGOLAND visitors. We are trending to be even busier in 2023 as compared to 2022.

In a recent economic feasibility study conducted to evaluate a conference center in Orange County, it was evident that Orange County is at a deficit with hotel room inventory as compared to the visitor demand. Furthermore, if a conference center development were considering Orange County sites, there must be a plan in place to expand the room count.

Thank you for your consideration of lodging projects with respect to IDA benefits. In addition to job creation, hotels in general are economic drivers providing lodging solutions mostly for out-of-town visitors who not only stay in these properties but spend a great amount of time and money in our communities.

We are confident that hospitality projects will make significant contributions to the economy for many years to come.

Sincerely,

Amanda Dana
Director of Tourism & Film