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**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT NAME: MATRIX LOGISTICS CENTER AT NEWBURGH
PROJECT NO.: 2020-17
PROJECT LOCATION: RT 300/84/I-87 INTERCHANGE (MULTIPLE LOTS)
REVIEW DATE: 12 AUGUST 2021
MEETING DATE: 19 AUGUST 2021
PROJECT REPRESENTATIVE: LANGAN ENGINEERING

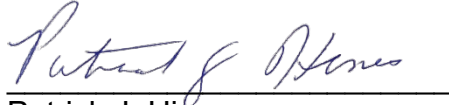
1. This office provided two (2) Technical Review Comment letters regarding the review of the environmental documents submitted for the 1 July Planning Board Meeting. The applicant's representative has provided a detailed response letter addressing each of the technical review comments previously provided. The documents and other environmental forms have been modified/updated in response to the technical review comments.
2. The applicant's representative has provided a SEQR mitigation measures comparison chart identifying the mitigation measures for the previously approved Ridge Sixth Amended Site Plan. The original of this chart carried over the previous mitigation measures from the various Marketplace Loop Ridge Project environmental reviews which have occurred on the site over the past decade. Extensive studies of the site were undertaken during the Environmental Impact Statement process and supplemental environmental impact statements for the project.
3. The Matrix project continues to incorporate all mitigation measures required for the Ridge Sixth Amended Site Plan with the exception of those mitigation measures associated with the Route 52, 5th Avenue, and Meadow Avenue access points which are no longer proposed. The Route 52 5th Avenue access has been eliminated, and the Route 52 – Meadow Avenue access point will be constructed as an emergency vehicle access point which will be gated, restricting access to emergency vehicles.
4. The previous blasting protocol and monitoring program will be adopted for the Matrix project. All previously identified securities will continue to be required.
5. Page 13 and 14 of the comparison chart, center column, should have the items checked 'yes', 'no' or 'not applicable (N/A)' as appropriate.

6. The project has modified the proposal for sanitary sewer disposal eliminating the stream crossing and Flood Plain Permit.
7. Page 25 regarding the blasting mitigation well monitoring protocol has a caveat that Matrix will follow revised well monitoring protocol provision as revised by the Orange County Health Department below. The applicant is requested to identify what revisions the Orange County Health Department has identified in the well monitoring and mitigation plan.
8. A SWPPP has been prepared for the project site revised for the site-specific changes related to the Matrix project. The SWPPP is updated based on the most recent changes to the NYSDEC Stormwater Construction Permit requirements. Infiltration practices previously identified in the extensive parking areas proposed for the retail use of the site have been eliminated. Infiltration practices associated with the construction of bio-retention areas have been implemented in lieu of previous parking lot/landscaped island infiltration practices. Certain portions of the site are considered stormwater hotspots which are not permitted to utilize infiltration as a treatment process in the stormwater management system. These hotspot treatment areas will be designed to prevent infiltration prior to discharge. This office has found that the SWPPP provided complies with the intent of the NYSDEC and Town of Newburgh stormwater requirements. The document itself continues to be under technical review, however, technical comments will not modify the intent of the SWPPP.
9. The document identifies that the developers will continue to enter into the Developers Agreement with the Town of Newburgh to assure compliance with various mitigation measures, conditions of approval, provisions for requires securities, obtaining permits, and construction oversight.
10. Post-development traffic study continues to be incorporated into the mitigation. The developer agrees to fund a post-development traffic monitoring study not-to-exceed \$30,000. This monitoring continues to be in place although only one (1) site access is proposed.
11. The project continues to propose noise mitigation measures along the eastern portions of the site in order to mitigate impacts associated with noise from the project. It is noted that the construction of the buildings has moved further from the eastern property lines under the current proposal.
12. Based on the review of the revised documents submitted, this office takes no exception to the Planning Board considering the issuance of a SEQR consistency document identifying that the environmental reviews for the previous projects, as well as the supplemental information for the current project, have mitigated to the extent practicable potential significant environmental impacts on the site. It is noted that extensive re-grading of the site occurred many years ago including clearing of the majority of the vegetation required to be cleared.

13. Technical review of the project will continue as detailed design plans are presented.

Respectfully submitted,

**McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.**

A handwritten signature in blue ink, appearing to read "Patrick J. Hines", is written over a horizontal line.

Patrick J. Hines
Principal

PJH/dns

August 5, 2021

Chairman John Ewasutyn and Planning Board Members
Town of Newburgh Planning Board
Town of Newburgh Town Hall
1496 Route 300
Newburgh, NY 12550

**Re: Matrix Logistics Center at Newburgh
Response to Consultant Comments
Route 300, Newburgh, New York
Langan Project No.: 190063301**

Dear Chairman Ewasutyn and Planning Board Members:

The following is an itemized response to the Town Planning Board Consultant comments for the above reference application (comments are italicized and our responses are in bold text):

Patrick Hines - SWPPP Comments – 6/28/21

1. *Pre and post development watershed mapping should be provided including existing conditions, time of concentration routing and existing drainage structures.*

Response: Pre and post development watershed maps are provided on SWPPP figures 5 and 6.

2. *Details of all proposed and existing outlet structures should be provided in order to review the model.*

Response: Proposed outlet control structures are provided on detail sheet CS506. Existing outlet control structures are provided on SWPPP figures 7 and 8.

3. *Report and plans identify “hot spot” and “non-hot spot” bioretention areas. These should be specifically identified on the plans with reference to appropriate detail.*

Response: Callouts identifying hot spot bioretention areas have been added to Sheet CG400. The bioretention detail has been update to identify hot spot and non-hot spot bioretention areas.

4. *Table 4-2 Reduction of Impervious Cover, building footprint reduction identifies that two buildings have been proposed to reduce overall building footprint. This does not seem responsive to a reduction in impervious footprint.*

Response: We acknowledge that two buildings is not a means of reducing impervious footprint and Table 4-2 has been revised accordingly.

5. *Table 4-2 Reduction of Impervious Cover- Parking Reduction. The Applicant should identify how parking reduction has been met while proposed parking significantly exceeds Town requirements.*

Response: The response in Table 4-2 relative to parking and impervious cover has been modified. We believe "land banking" parking is an appropriate means of reducing impervious area that might be constructed without regard for tenant requirements.

6. *Section 4.1.3 Runoff Reduction Techniques identifies that none of the standard runoff reduction techniques has been incorporated into the plan. This should be discussed in this section of the report.*

Response: Section 4.1.3 has been modified to further clarify our approach to Runoff Reduction.

7. *Proprietary stormwater devices are proposed. No discussion of these devices is included in the SWPPP. Sizing criteria for these devices should similarly be addressed in the report.*

Response: Further discussion of the proposed proprietary practices have been provided in Section 4.1.4 and the sizing calculations were/are provided in Appendix E.

8. *Coordinate all structures, ponds on the plans with the report. Example- Stormwater Pond B is also referenced as Stormwater Pond C.*

Response: The plans and report have been updated accordingly.

9. *All detention pond facilities which contain permanent pools must be fenced. Details of the fence and labeling of a fence should be depicted on the plans.*

Response: All ponds were/are fenced with split rail fencing and the detail was/is provided on sheet CS501.

10. *Access to all Stormwater Management Facilities for maintenance should be identified. Several of the facilities appear to have grading which will make long term maintenance difficult.*

Response: Maintenance access paths are shown and labeled on the drawings.

11. *Label all existing pipes size, material and invert on Drainage Plan.*

Response: Existing pipes have been labeled.

12. *Applicants are requested to analyze the existing drainage crossing at South Plank Road to the pond located northeast of the site.*

Response: An analysis of the existing drainage crossing at South Plank Road will be provided.

13. *Several storm drainage runs have extremely steep pipe slopes. The Applicants representatives are requested to address velocity in the pipe runs with steep slopes.*

Response: Concrete anchors are provided on pipes with 20% slopes. Hoods are proposed on drop structures that have inlet pipes greater than 10%.

14. *The Applicants representatives are requested to evaluate the underdrain system utilizing six inch pipe for the large bioretention areas. Six inch underdrain will cause the bioretention areas to overflow at the outlet control structure during small storm events.*

Response: The updated routings and outlet structure analysis have been revised to ensure the bioretention areas do not inadvertently overflow their banks. All flow into the bioretention area are controlled through the underdrain system and outlet structure.

Patrick Hines Technical Review Comments on Expanded EAF and SEQRA Narrative – 6/28/21

1. *The first page identifies “most of the land has been previously cleared and excavated as authorized by pre-existing approvals from the Town of Newburgh”. While the property has been cleared of trees, approximately 10-years ago, the majority of the property contains vegetation and has not been excavated.*

Response: The text has been modified to acknowledge the fact that although a majority of the site was completely cleared approximately ten years ago, some scrub vegetation has re-established on the site.

2. *The second page identifies that Matrix is seeking a Clearing and Grading Permit from the Planning Board to allow clearing and grading work to begin on the site after SEQRA has been completed. The Planning Board will determine whether a Clearing and Grading Permit can be issued. It is noted the Clearing and Grading permit will require an individual Public Hearing if the Planning Board considers issuing Clearing and Grading permit prior to site plan. Issues regarding the Clearing and Grading Permit including blasting protocol and other issues must be addressed before the Planning Board.*

Response: comment noted. It is the applicant’s intent to address all environmental issues relating to both Site Plan Approval and clearing and grading as part of the SEQRA process and will follow all of the Town’s procedural requirement in requesting a Clearing and Grading permit from the Planning Board.

3. *The second paragraph of the second page identifies statements that are made by the applicant which are actually to be determined in the future by the Planning Board. In addition, the statements identify a Negative Declaration is warranted. This project received full environmental review and a SEQRA Findings Statement with modifications to the Finding Statement including SEQRA consistency documents. A Negative Declaration is unlikely to be issued for this project.*

Response: The paragraph has been revised to respond to this comment.

4. *The second page identifies that "Matrix has purchased the permits, approvals and SEQRA reviews for the Ridge project from the previous developer." To be clear, SEQRA reviews cannot be purchased and/or transferred for different projects.*

Response: This paragraph has been revised to respond to this comment.

5. *The fourth page identifies fourteen (14) items the applicant identifies as project benefits. These project benefits will be evaluated by the Planning Board, including significant increase in truck traffic. Item #8 identifies high quality aesthetically pleasing architectural design. This will be evaluated by the Planning Board.*

Response: This page has been modified to address this comment. It is understood these items will be evaluated by the Planning Board.

6. *The first paragraph on page once again discusses a Negative Declaration. This language should be removed from any documents submitted. The Planning Board may choose to address the project based on the previously issued Finding Statements for retail components. The Planning Board may determine that the project scope has changed such that a new environmental review should be undertaken and/or supplemental Environmental Impact Statement be required.*

Response: This paragraph has been modified to address this comment. The applicant acknowledges that the final SEQRA determination will be solely at the discretion of the Planning Board.

7. *Page 5, 3rd paragraph, again identifies a conclusionary statement that the project is not expected to create any significant adverse impacts and a Negative Declaration is warranted. These conclusionary statements should be removed from any submissions to the Planning Board.*

Response: Throughout the narrative these conclusionary statements have been modified and it has been acknowledge that they are simply the opinion of the applicant.

8. *Impacts to Land paragraph 3 continues to identify the issuance of a Clearing and Grading permit prior to the Planning Board finalizing site plan review. Significant issues must be addressed prior to commencing any grading on the site including mitigation associated with blasting; air, noise and approval of an actual grading plan consistent with the Clearing and Grading Permit application. Currently the only plans proposed are for the site plan use on the site. It is unclear if grading on the site can be accomplished without construction of extensive retaining walls identified for the project. The Planning Board must take this into account when determining whether a Clearing and Grading Permit should be issued.*

Response: Comment noted

9. *The Clearing and Grading Permit may be impacted by the clearing of additional trees from the site which will be impacted by NYSDEC's review and evaluation of the clearing timeframes for areas which may contain habitat for protected bat species. Coordination with NYSDEC is required prior to any tree clearing outside tree clearing timeframes.*

Response: Comment noted, any tree clearing will be performed in accordance with NYSDEC guidelines.

10. *Impacts to Land, the applicants have identified land banking of certain loading truck and passenger vehicle parking. The trigger for this land banking should be addressed. Other approvals will be required during construction of the land banking including SWPPP review and approval. The applicants are requested to address with the Planning Board what condition the land bank parking areas will be left in should they not be constructed. Additional discussion with the Planning Board should occur regarding land bank proposal.*

Response: The trigger to build the land banked parking areas is the specific requirements of a tenant. The volume of parking and truck storage areas as fully developed has been accounted for in the SWPPP and the traffic study, so we have studied the worst case scenario. The narrative and plans also describe the temporary condition of these areas which is grassed.

11. *Item #2 – Impacts on Geological Features, the grading changes to the site must be specifically evaluated. The amount of blasting proposed should be identified for the Planning Board’s evaluation of potential environmental impacts.*

Response: This item has been modified to further describe the extent of blasting anticipated on the site and the protocol to be followed.

12. *The Section regarding wetlands identifies that a Nationwide Permit was received. It is believed that a site-specific permit was provided for the site.*

Response: comment noted and the text modified to reflect the permit obtained.

13. *The Section regarding stormwater management and erosion control identifies there is little to no stormwater controls on the project site. The stormwater management facilities required for the original approvals have been constructed on the site. Stormwater from the existing site is conveyed through stormwater management facilities on the project site. This paragraph should be appropriately revised.*

Response: This text have been modified to acknowledge some of the stormwater management practices proposed as part of the Ridge Project had been constructed and are incorporated into the current project design.

14. *Water use from the project site is identified based on an employee hydrologic loading for sewer based on two shifts operating at each of the warehouse facilities. Additional water use may be required on the site and should be evaluated for any proposed irrigation heating or cooling system use, landscape maintenance, etc. It is also requested that the applicants evaluate whether a fire protection water storage tank will be needed on the site.*

Response: The water use calculation has been modified to take into account incidental water use on the site.

15. *The wastewater section, first paragraph, must be significantly rewritten. No reserve capacity is provided for any projects. The purpose of the City of Newburgh flow*

authorization letter is simply to track Town of Newburgh's potential flow to the City of Newburgh plant. Capacity is not reserved for any users. Similarly, the statement that the sewer capacity can be allocated to other users at the City of Newburgh's discretion is not correct. The City of Newburgh does not reallocate Town of Newburgh's capacity at the City's sewage treatment plant. This paragraph should be substantially rewritten to be compliant with existing procedures.

Response: This section has been modified to address this comment.

16. *Section 7, Impacts to Plants and Animals. Since the issuance of the original Findings Statement and any subsequent consistency document, NYSDEC has begun to regulate impacts to an additional bat species. Potential impacts to bat species must be evaluated in coordination with NYSDEC and US Fish and Wildlife Services for any additional tree clearing or impacts to the site.*

Response: Comment noted, any tree clearing will be done in accordance with NYSDEC and USFWS requirements.

17. *Impacts to Energy, it is requested that the applicants evaluate whether the large multi-acre structures will be equipped with solar on the roofs to offset any demand for energy from the project sites.*

Response: This text has been modified to address the question. The structures are being designed to accommodate the added weight of solar panels. The actual installation of solar panels is determined by market demand in the future. All permits/approvals to install future solar panels will be obtained prior to installation and comply with all legal requirements.

18. *Item #15, Impacts on Noise, Odor and Light. The 3rd paragraph identifies that "sound emissions will be adequately quiet". This should be further defined. It is noted that in the acoustical study that night time ambient noise located at numerous points range from 40dBa-48dBa while post construction noise levels were identified at 56dBa. NYSDEC guidelines identify that a 0-3dBa increase is not noticeable while above 3dBa may impact nearby receptors. This should further be evaluated in this paragraph as well as in the noise study.*

Response: The phrase "adequately quiet" denotes that site sound emissions are controlled to a magnitude that will blend in with existing ambient sound levels and hence will have no negative acoustical impact on surrounding receptors. When implementing NYSDEC guidelines it is important to compare similar statistical metrics to each other. NYSDEC guidelines primarily focus on comparing site average sound levels to existing average sound levels. The purpose of the NYSDEC guidelines is to ensure that the existing environment, which is dynamic in nature, is not dramatically changed with the introduction of a new use, which itself is also dynamic in nature. Hence the professionally acceptable approach is to compare similar metrics for a true "apples-to-apples" evaluation. Existing background sound levels should only be compared to future background sound levels, existing and future average sound levels should be compared, and lastly existing and future maximum sound levels should be compared. The sound

study compared background ambient sound levels ranging from 40-to-48 dBA to the steady HVAC sound produced by the site and concluded future emissions would increase by at most, 3 dB. Similarly, maximum site sound produced by the site were shown to be 55 dBA and was compared to Town noise code limits as well as other maximum ambient sound measured in the area. Again results show increase of up to 4 dB which per NYSDEC guidelines concludes no negative acoustical impact.

19. *The lighting section identifies “new, modern, energy efficient lighting will be utilized throughout the site”. It is request that the applicants identify that all lighting will be night sky compliant which is the current industry standard for mitigating light impacts.*

Response: All lighting will be night sky compliant as requested.

20. *Extensive retaining walls are proposed on the site in order to minimize impacts to environmentally sensitive areas on the site.*

Response: Comment noted.

21. *The following comments will be based on a review of the SEQRA comparison chart provided.*
- Building setbacks are identified as being increased from the previously approved plans, however, the structures will be higher in elevation based on building height and grading. While the grading has been provided to reduce building height at the measured frontage along the private roadway, building heights throughout the site will be higher than proposed for the retail developments. The structure located closest to Route 300 will be significantly higher than the previous lifestyle center.*

Response: The statement is technically correct; however, it is acknowledged that these industrial buildings are higher than most of the commercial buildings proposed as part of the Ridge Plan but the site is zoned IB and the building meets the required setbacks and height requirements for this zone. In addition, a dense landscape buffer has been provided along Route 300 to help screen this building from Route 300.

22. *Off street parking identifies that the sixth amended site plan had sixteen (16) truck parking spots while the Matrix site contains two-hundred and four (204) parking spots. It is believed that the Matrix site will have significantly more than 204 truck parking spots as the number of loading dock spots as well as truck trailer parking areas is significantly greater than 204. This should be reevaluated.*

Response: There are a total of 128 trailer parking spaces and 144 land banked trailer parking spaces. The loading docks are not counted as part of the trailer parking spaces.

23. *While the document in numerous places identifies significantly less impervious area, it is noted that the impervious area is the same as the current approved 700,000 square foot retail plan.*

Response: Although this comment is technically accurate, most if not all of the significant environmental issues were evaluated based on the original Ridge plan that included a

much larger project and it was concluded in a finding statement that these impacts were adequately mitigated.

24. *Signage amount identifies that the Ridge sixth amended site plan required multiple signage variances. While the Matrix site will be Code compliant. The sixth amended site plan for the Matrix project would not have required variances based on the current Town of Newburgh sign ordinance.*

Response: Comment noted.

25. *Buffers and Landscaping, the "greenspace" along Route 300 in the Matrix plan is more than twice as wide as the Ridge plan. The greenspace along Route 300 on the current plan identifies extensive grading up to the right-of-way. Visual impacts of the building along Route 300 are significantly different than the former lifestyle center which was proposed in the vicinity of Warehouse B. Stormwater Management facilities have now been proposed between the development and the highway right-of-way causing complete tree removal and re-grading of the frontage.*

Response: Our review of the Site Plan Approval drawings that accompanied the 6th amendment suggests these plans called for all of the area between the proposed parking lot and the Route 300 ROW to be cleared and graded. In addition the paved area also appears to be closer to the ROW than the Matrix plan proposes. The extensive grading proposed for the Matrix plan is actually the construction of a substantial berm that is landscaped to help screen the proposed building from Route 300.

26. *Traffic, the statement that the Matrix plan has significantly less vehicle trips than the Ridge plan may be true, however, the mix of vehicle traffic is not specifically identified. Significant more truck traffic than the previously proposed sixteen (16) loading docks at the retail facility will occur. This increase in truck traffic and the ability of trucks to move through the project site corridor must be evaluated. In addition, while the peak traffic counts for the former retail projects utilized three (3) access points, the current project only contains one (1) access point.*

Response: The mix of vehicles and specific impact is fully evaluated in the traffic Impact Study. As summarized in Table 2 in the Traffic Impact Study, when just looking at the NYS Route 300 access driveway the proposed warehouses will generate more weekday morning peak hour traffic and significantly less weekday evening peak hour traffic (-270 vph) than the approved 850,000 sf Shopping Center was projected to generate through this driveway alone. Overall, there will be similar weekday AM peak hour traffic and approximately 1,100 vph less vehicles during the weekday PM peak hour added to the adjacent roadway system.

27. *Under Site Disturbance, the project identifies a similar 92-acre disturbance as the sixth amended site plan. The project then takes credit for the previous tree removal, however, the majority of the site has revegetated itself since the tree removal. While the habitat type may have changed a significant portion of the existing conditions has been naturally revegetated and should be evaluated with regard to new site disturbance.*

Response: It is agreed that some scrub vegetation has re-established on the site since the clearing occurred approximately 10 years ago. However, the issue is the environmental impacts of clearing the site. These impacts were studied as part of the Ridge project and it was concluded through the SEQRA process the clearing of this site which was heavily wooded was properly mitigated. The Matrix project which will clear some scrub vegetation and approximately 4.9 acres of additional trees will not result in any more significant impact than the original clearing caused by the Ridge project. If that impact was adequately mitigated the Matrix project should not cause any other significant adverse environmental impacts.

28. *Material to be exported/imported into the site identifies zero (0). The comment notes contain "the project goal is to balance the cuts and fills to limit the amount of standard fill material that has to be taken off the site or brought into the site". The project has not provided details of the cuts and fills proposed as well as the amount of blasting that has to be performed on the site. This evaluation will be important to the Planning Board for review of project impacts.*

Response: Based on the proposed grading plan, rock removal by blasting will range between 550,000 and 600,000 cubic yards, generally consistent with the blasting quantities anticipated for the Ridge project and in the same general location as the Ridge project. The overall earthwork projected for the Project is anticipated to be between 925,000 cubic yards and 975,000 cubic yards and the grading has been designed as a balanced site, which means there will be no need to export natural material from the Site.

29. *The following comments will be based on the SEQRA Mitigation Reviews Comparison Chart provided:*

- *Aquatic Ecology Mitigation #3 identifies the vast majority of the project site has been cleared by the owners pursuant to the Ridge approvals. Approximately 4.2-acres of additional land needs to be cleared for the Matrix Logistics center. Clearing of the small additional wooded areas is not expected to adversely impact threatened or endangered species or rare plants and animal species. The 4.2-acres is inconsistent with other portions of the document which identify 4.9-acres. The additional clearing on the site must be coordinated with NYSDEC and the US Fish and Wildlife Service for impacts to threatened or endangered bat species. In addition, since the original approvals, additional protective measures have been implemented by those agencies.*

Response: The area to be cleared has been adjusted to be consistent at 4.9 acres. It is understood and acknowledged that all regulatory agency requirements must be followed to clear additional trees on this site, along with the necessary approvals from the Town.

- *Water Resources Mitigation #4 identifies Matrix will comply with all requirements of the blasting while monitoring protocol. The blasting monitoring program has been undertaken, however, significant time period has elapsed since any of the homeowners not participating have been contacted. Land transfers may result in additional people requesting monitoring. It is recommended the applicants recontact all record owners of the property to determine if they wish to be included in the blasting while monitoring protocol this time.*

Response: The applicant agrees to reengage adjacent property owners and to follow the previously approved monitoring protocol.

- *Traffic, pg. 11 number 5, previously the applicants agreed “the applicants shall deposit with the Town the sum of \$30,000.00 which the Town shall use to implement a traffic monitoring program”. The new document identifies the applicant agrees to fund upon request a post-development monitoring study, if necessary, not to exceed \$20,000.00. This item must be addressed with the Planning Board.*

Response: The agreed to deposit has been corrected, the amount is \$30,000.

- *Under Item #12, Long Term Employment, the document identifies: “as opposed to the Ridge project, the long-term employment jobs provided by the Matrix Logistics Center will be new jobs and not transplant jobs as retail tenants move to a new location within the community”. The basis for this statement should be further evaluated. The retail component of the sixth amended site plan did not identify any existing tenants within the Town of Newburgh.*

Response: The text has been modified to address this comment.

- *Page 38, Traffic Monitoring Program, once again has the discrepancy between the original \$30,000.00 vs. the \$20,000.00 currently proposed by the applicant for traffic monitoring.*

Response: The agreed to deposit has been corrected, the amount is \$30,000.

Dominic Cordisco Comments on Expanded EAF and SEQRA Narrative – 6/29/21

1. *In the comprehensive list of "site plan and SEQRA approvals [sic]", please revise so it reads "previous SEQRA determinations and site plan approvals and amendments."*

Response: The text has been modified to address the comment.

2. *In the same list, please include the dates of the original EIS scope, the date that the DEIS was determined to be complete for public review, the date of the DEIS public hearing, and the date of the original FEIS.*

Response: The text has been modified to address this comment.

3. *While many of the studies prepared for the retail project are 15 or more years old, Matrix has prepared several new studies, including traffic, noise and visual analysis. It would be helpful to provide a bulleted list of the new studies after the paragraph that begins "This SEQRA narrative will compare the potential impacts of the Matrix's Project with the above approvals for the Ridge Project ..." A concise summary of the new studies will support the board's determination that it took a hard look at the relevant areas of concern.*

Response: The requested summary has been provided on page 4.

4. *Please put page numbers in the narrative, as well as the date of the draft on each page.*

Response: Page numbers have been added.

5. *As Pat Hines noted in his comments, there are multiple references to the applicant's position that there will be no new environmental impacts. These references should be modified to state that it is the applicant's position that there will be no new significant adverse impacts, but a determination as to whether there is the potential for any significant adverse impact is one that will be made by the Planning Board as SEQRA lead agency.*

Response: The entire narrative has been modify to clearly indicate conclusionary statements are those of the applicant and not the Planning Board.

6. *Along those lines, rather than stating that since [in the applicant's opinion] there are no significant adverse impacts and thus no SEIS is required and citing caselaw, please simply quote the SEQRA regulations regarding the standard for determinations regarding the need for an SEIS which is as follows:*

6 NYCRR 617.9(a)(7):

(i) The lead agency may require a supplemental EIS, limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from:

- (a) changes proposed for the project;*
- (b) newly discovered information; or*
- (c) a change in circumstances related to the project.*

(ii) The decision to require preparation of a supplemental EIS, in the case of newly discovered information, must be based upon the following criteria:

- (a) the importance and relevance of the information; and*
- (b) the present state of the information in the EIS.*

Response: Those regulations have been included in the narrative.

7. *The statement that "A SEIS does not need to be prepared if the lead agency reasonably concludes that Project changes, new information, or change in circumstances will not cause a significant adverse environmental impact" should be deleted. The SEQRA regulations noted above speak best for themselves.*

Response: Comment noted.

8. *Please add ARB approval to the list of the approvals.*

Response: ARB approval has been added to the list of approvals required.

9. *Although it does not need a revision, as I noted in our meeting the expanded EAF and site plans will need to be referred to the Orange County Planning Department before any SEQRA determination is made.*

Response: Comment noted.

10. *In regards to the potential for the site to provide habitat for the Indiana Bat, will tree removal be restricted to occur only between November 1 and March 31? This could be a mitigation measure that both the NYSDEC and ACOE/FWS will expect to see.*

Response: Any approved tree clearing will be performed in accordance with NYSDEC and USFWS requirements.

11. *In regards to impacts on aesthetic resources, while it is true that there are no scenic corridors in proximity to the site, there is the potential for a change in community character for the residences that are nearest to the site. The applicant has prepared a visual analysis to assist with the board's review, and the narrative should be revised to indicate that the impact on residences is being considered.*

Response: Comment noted.

12. *I provided my comments regarding the traffic narrative during our meeting.*

Response: Comment noted.

13. *Regarding energy use, is there a current will-serve letter from Central Hudson? Also, the narrative states that energy use is less for distribution than light industry. Without knowing whether that is true or not, I note that (1) manufacturing is allowed in the IB zone, and (2) a will-serve letter from CHG&E should be dispositive on whether there are any impacts on energy use.*

Response: A will serve letter has been obtained from CHG&E.

14. *Regarding noise, the only statewide guidance on noise impacts was adopted in 2000. This guidance was prepared to assist NYSDEC staff in the review of potential noise impacts, and it remains the primary SEQRA guidance on noise available today to non-NYSDEC lead agencies. As noted in the guidance, "Sound pressure increases of more than 6 dB may require a closer analysis of impact potential depending on existing SPLs and the character of surrounding land use and receptors." It would be helpful if the narrative could summarize noise impacts with the guidance from NYSDEC, and whether any noise impacts are expected to increase by more than 6 dB.*

Response: The noise narrative has been expanded to include a more detailed discussion of NYSDEC guidelines.

15. *In the discussion of community character, the statement is made that the Planning Board previously approved 850,000 square feet of retail use on the site. While that statement is correct, the current approved plans for the site are for 700,000 square feet of retail. It would be best to compare the current proposal to the current approved plan, not some other plan.*

Response: The narrative has been revised to address this comment. It should be noted that the potentially significant environmental impacts and required mitigation for the Ridge project were originally based on the 850,000 sf plan, creating a base line of environmental impacts and mitigation. These studies concluded in a finding statement that any potentially significant adverse environmental impact was adequately mitigated.

All subsequent plans including the 700,000 sq. ft. plan and the Matrix project worked from the original base line and conclude the potential significant adverse environmental impacts for the original retail project were equal to or less than the original base line and there for did not require additional mitigation.

Ken Wersted Comments on Expanded EAF and SEORA Narrative – 7/19/21

1. *Expanded EAF and Narrative, Section 13, page number? (PDF page 23) - The emergency access to Route 52/Meadow Avenue/Powder Mill Road is noted as gravel. The local fire department should confirm if that is acceptable for a +/-1,000 foot road.*

Response: Comment noted. The gravel access road used in many other applications in the Town and County will be designed to support the loads expected of as fire truck and will be maintained by Matrix to ensure access is always available for emergency equipment.

2. *Expanded EAF and Narrative, Section 13, page number? (PDF page 23) - A new traffic signal at the site driveway will be provided on Route 300/Newburgh Mall, and coordinated with the traffic signals to the north at the Newburgh Mall and Meadow Hill Road/Meadow Avenue. We suggest coordinating the intersections of Route 300 at Stop and Shop and Route 52 with this system.*

Response: Comment noted. The applicant will work with NYSDOT to comply with this comment.

3. *Appendix 6 – Mitigation Measures Comparison Chart*
 - a. *In the introduction paragraph, note that the proposed mitigation measures for the Matrix project “are subject to Lead Agency and involved agency determination.”*

Response: The requested note was added to the narrative.

- b. *Repeat the header for each page of the table.*

Response: The header was repeated on each page of the table.

- c. *Page 7, Traffic and Transportation Mitigation, #1, change “Yes” to “Modified” as only one of three new signalized access points will be provided.*

Response: The response was changed to “modified” in the table.

- d. *Page 8, #3 – Although there won’t be peak seasonal shopper traffic at the Matrix site, could there be peak seasonal workers related to seasonal increases in e-commerce? We generally agree that a seasonal Traffic Management Plan, like that of Woodbury Outlets, won’t be needed, but there could still be some need for travel demand management (e.g. shift change scheduling) subject to the tenants of the project.*

Response: The project is being designed to accommodate seasonal variation.

- e. *Page 9, #4.a – Change “Yes” to “Modified”; four lanes exiting is reduced to three lanes exiting in the proposed plan.*

Response: The response was changed to “modified” in the table.

- f. Page 10, #4.f - Change “Yes” to “Modified”; the proposed mitigation is consistent but less than previously proposed. Also see comment #2 above.

Response: The response was changed to “modified” in the table.

- g. Page 10, #4.i - Change “Yes” to “Modified”; fewer intersections are being proposed for signal modifications and subsequent emergency vehicle pre-emption.

Response: The response was changed to “modified” in the table.

- h. Page 11, #5 - Change “Yes” to “Modified”; the traffic monitoring deposit (\$20K) is less than the original proposal (\$30K).

Response: The response was changed to “modified” in the table and the amount was changed to match the original proposal.

- i. Page 12, #6.a,b – Add N/A

Response: “N/A” was added in the table.

- j. Page 38, Traffic Monitoring Program #1 – Change “Yes” to “Modified,” see comment 3.h above.

Response: The response was changed to “modified” in the table.

4. Appendix 7 – EAF Part 1, section D.2.j
a. i. - check “morning” and “evening” for peak traffic periods.

Response: “Morning” and “evening” were checked in the EAF.

- b. vi. – check yes; Transit Orange provides service along Route 300 via the Northside and Southside routes.

Response: The response was changed to “yes”.

- c. viii. – check “no,” the site plan shows no bike or pedestrian connections. Regardless, a sidewalk and along Route 300 and a connection into the site should be considered for use by employees arriving by transit.

Response: The response was left “yes”, since a sidewalk is being provided along Route 300 and pedestrian crossing accommodation will be provided in the traffic signal design.

Appendix 17 – Traffic Impact Study (TIS):

5. The TIS used pre-covid traffic counts collected in 2018 and 2019 and a conservative 1% per year growth rate. The other developments included in the background traffic analysis appear reasonable.

Response: Comment noted.

6. Trip gen looked at several different land uses (warehousing, high-cube trans load and short-term storage, High-cube fulfillment center, high-cube cold storage). It did not consider general light industrial, manufacturing, or high-cube parcel hub; however, the TIS carries forward a 3x trip generation estimate through the analysis to cover any variation in traffic due to unknown tenants.

Response: Comment addressed.

7. We could not reproduce the trip generation estimates cited in Table 1 of the TIS; we calculated lower numbers. Additional detail or explanation may be necessary to confirm.

Response: Comment is addressed in the supplemental letter report from Langan included as Appendix 21.

8. Regardless, at 3x trip gen, the Matrix project is estimated to be comparable to the number of trips generated by the retail (original proposal) in the AM peak hour, and -1,100 trips (57%) less in the PM peak hour. Given that the project proposes to use a single access point over three from the retail project, the net result is an increase of +311 trips (+67%) in the AM peak hour and a -270 trips (-25%) in the PM peak hour.

Response: Comment noted.

9. The retail center would have likely operated about 12 to 14 hours per day. The proposed site will operate 24 hours a day; however, a comparison of daily traffic volumes indicates that the proposal is about 23% of the original retail project - 6,000 trips (Matrix) vs 25,765 trips (retail).

Response: Comment noted.

10. Truck trips are estimated to be about 13 to 15% of the peak hour trip generation, or about 35 to 40 trips in the peak hour (about 1 truck every cycle of the signal). At 3x trip generation, it will be 100 to 125 truck trips in the peak hours (+/- 3 trucks a cycle). To the casual observer, trucks will be a regular presence at the intersection, but likely not as busy as the Pilot Travel Center on Route 17K.

Response: Comment noted.

11. Based on the original analysis scope and the projected number of trips on Route 300 to/from the north, we suggest including the Route 300/Stop and Shop and Route 300/Route 52 study area intersections. Pre-covid traffic volumes can be sourced from the Newburgh Towne Center and/or Polo Club studies.

Response: Comment is addressed in the supplemental letter report from Langan included as Appendix 21.

12. The Synchro results appropriately consider the increase in truck traffic through their respective heavy vehicle percentages in the analysis.

Response: Comment noted.

13. *At the site driveway, the Matrix analysis assumes a permitted only (i.e. no left turn arrow) for SB lefts into the project site. The NB left into the mall assumes a protected/permitted operation. The site driveway and the mall driveway would operate split phased. The retail off-site improvement design showed protected only NB/SB lefts, with protected only WB lefts out of the site, permitted only EB lefts operating with the WB thru/right movements. These details will need to be clarified through the detailed review with NYSDOT.*

Response: Comment noted.

Karen Arent Comments on Expanded EAF and SEQRA Narrative – 7/19/21

1. *The proposed project is quite a change from the previously approved retail project. Architecture for the Ridge was carefully reviewed in efforts to create buildings that were smaller, more human scaled with distinctive architectural detailing closer to Route 300. The larger, big box buildings were located further away from Route 300 where they could be adequately screened by both distance (they did not dominate the streetscape views from Route 300) and layers of vegetation within the site. Smaller scaled lighting and abundant planting was proposed along the roads and within the site. The Ridge project was designed in accordance with the Town of Newburgh Design Guidelines.*

Response: Comment noted.

2. *The smaller proposed Matrix building will be seen from local roadways as it is much closer to Route 300 and much larger in scale than any of the smaller buildings proposed for the Ridge that were significantly further away from Route 300. It is not possible to adequately screen the large mass of the smaller Matrix building from viewpoints from 300. A berm and vegetation are proposed along Route 300. Much more vegetation is needed to reinforce the single line of trees and shrubs proposed on the current plan on the berm. The consultant agreed to provide additional trees. The consultant agreed to remove several parking spaces along the southeastern corner of the building to provide more green space. They are adding more trees (2-2.5" in caliper or evergreens 7-8' or so on the rear of the berm so special planting details are not needed to accommodate the girth of the root balls in the slope), shrubs and other vegetation along the front of the berm. They are providing more vegetation along the northwestern access road for screening of the site from across the adjacent plaza's parking area.*

Response: The smaller Matrix building is not closer to Route 300 than the smaller buildings proposed for the Ridge Project. In addition, the landscape plan has been updated to include significant additional plant material not only along Route 300 but also in other areas suggested by the consultant.

3. *Many consider Route 300 and the 84/Thruway ramp intersections the "gateway to the Town of Newburgh". Creating a project to help create an aesthetically pleasing view rich with detail and vegetation is extremely important as it sets the tone for the Town. Stone walls and landscaping are proposed on both sides of the entrance to the site. Shrubs such as Bayberry are shown spaced 8' apart. It will take many years for Bayberry to fill in the space. We*

discussed showing a fuller landscape and the consultant agreed to add more plants. I also asked the consultant to consider maintenance of the project when specifying plants. Beds with plants spaced far apart in large areas of mulch will need frequent weeding for years. If more plants are shown closer together, they will fill in gaps quicker, requiring fewer years of constant weeding.

Response: The Landscape Plan was revised to address this comment. In addition, Matrix will provide and commit to a landscape maintenance program to ensure the landscaping is maintained as it was intended.

4. *Even with additional planting, the building will still be a dominant. The board should carefully consider the architecture of the building and if the placement so close to the property line is acceptable. The building will dominate the streetscape, especially when landscaping is first installed. There are a variety of creative options that could be used to help more fully shield the building and reduce the dominant view of the building such as green (plant) walls if the board is not satisfied.*

Response: The building is located on the site in compliance with the I-B zone. However, because the building is located close the property line we have modified the building accordingly:

- **The building is oriented with the long dimension facing State Route 300 with a low horizontal profile and low-sloped roof. The building parapets have been minimized to limit the building height.**
 - **A large horizontal painted accent has been provided around the perimeter lending to a perceived reduced height of the building.**
 - **The corners of the buildings have been provided with additional accents such as architectural reveals to create a plank pattern, pre-finished canopies, large areas of storefront systems and vertical articulated panels.**
 - **The west building elevation (front) has been limited to employee parking, office entries and heightened corner façade accents. All truck activities have been located on the east side (back) of the building.**
 - **Large vertical clerestory windows are provided along the perimeter of the building.**
 - **The façade utilizes thru-wall scupper drainage systems consistent with Class A warehouses further screening roof systems.**
 - **Additional mounding and landscaping has been provided along State Route 300 further limiting the visual height of the building.**
5. *The site, before clearing for the Ridge, was a mature Oak hardwood forest, rich with plant and animal habitat. Areas that were cleared are covered with invasive shrubs and vines. Matrix proposes to clear an additional 5 acres of woodland making the total cleared area 81 acres. Only 182 trees TOTAL are proposed for the entire site. The proposed landscape has large areas of meadows, with minimal tree planting. Many, many more trees should be required to replace trees that were removed to help mitigate some of the habitat, both animal and plant, that was lost.*

Response: The landscape plan was revised to address this comment. The proposed trees to be planted have been increase by approximately 100 percent.

6. *The consultant should prepare a landscape maintenance manual/guidelines to be followed for a period of ten years. Guidelines should be required to be implemented by the end users of the site to make sure the landscape thrives and does not become a tangled mass of invasive plants that do not provide wildlife, insect, or bird habitat.*

Response: Matrix agrees to provide and commit to a landscape maintenance program to ensure the landscaping is maintained as it was intended. A formal maintenance manual/guidelines will be developed and implemented on a regular basis to ensure the landscape is maintain as intended.

7. *There are many, many areas of lawn. Instead of lawn, we discussed proposing dense tree planting. Dense tree planting with smaller sized trees was discussed on slopes. This will help mitigate some of the lost habitat and in some locations, provide more layered screening of the larger building. The consultant was not sure if Matrix will agree to this.*

Response: The Landscape plan was revised to address this comment.

8. *Bio-retention areas cannot be planted with trees, according to Mr. Utschig as they must cleanse storm water of oils and other contaminants from truck parking. Does the entire bio-retention area need to be this type or can a smaller one be installed at the beginning of the system for the purpose of cleansing the storm water of certain contaminants and the rest be planted? An ecologically sustainable landscape provides so many benefits to the overall system that it is worth figuring out a way to create and accommodate one.*

Response: Alternative planting schemes can be implemented in Bioretention areas, however, trees are not recommended by the NYSDEC. The current design calls for the bioretention area to be covered with a grass seed mix.

9. *Much more screening must be provided to effectively screen the site from adjacent properties along Hilltop Road, New Street, and Wintergreen Avenue. I suggested Ms. Juliana and her team prepare additional section drawings to illustrate proposed landscaping relative to the building height from various residential properties not included in the original scope. By the way, Wintergreen is a native low growing shrub found in wooded areas. It provides foliage and berries for various birds such as Turkeys. The foliage and berries persist into winter.*

Response: The Landscape plan has been revised to address this comment. The plan calls for a significant area along these common property lines to be preserved and supplemented with understory evergreen trees. An additional section was prepared and provided in the sites plans (see Appendix 1).

10. *Sidewalks were a big discussion during the previous project. Sidewalks are only shown from the property on the north side to the drive of the site and do not extend along the entire Route 300 frontage.*

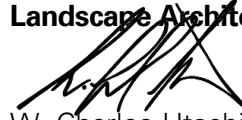
Response: The plan does not extended the sidewalk to the south toward the interstate exist ramps. It appears there are no safe locations to direct pedestrians in this direction. Sidewalk has been provided from the driveway north.

This concludes our responses to all of the comment letters received to date.

Should you have any questions or require any additional information, please do not hesitate to contact this office.

Sincerely,

**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**



W. Charles Utschig, Jr., PE
Associate

CU/cz

cc: K. Griffin, R. Aquino, R. Johnson, D. Everett, A. O'Brien, C. Zolezi

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AMENDED*
TOWN OF NEWBURGH
APPLICATION FOR
SUBDIVISION/SITE PLAN REVIEW

RETURN TO: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550

DATE RECEIVED: _____ **TOWN FILE NO:** 2020-17
(Application fee returnable with this application)

1. Title of Subdivision/Site Plan (Project name):
Matrix Logistics Center at Newburgh

2. Owner of Lands to be reviewed:

Name Matrix Newburgh Route 300, LLC
Address Forsgate Drive, CN 400
Cranbury, NJ 08512
Phone (732) 521-2900

3. Applicant Information (If different than owner):

Name Same as owner
Address _____

Representative Ken Griffin, Raymond Aquino
Phone (732) 521-2900
Fax (609) 395-8289
Email kgriffin@matrixcompanies.com; raquino@matrixcompanies.com

4. Subdivision/Site Plan prepared by:

Name Langan, Chuck Utschig, P.E.
Address 1 North Broadway, Suite 910
White Plains, NY 10601
Phone/Fax (914) 323-7400; fax (914) 323-7401

5. Location of lands to be reviewed:

East of Route 300 and North of Interstate I-84

6. Zone IB - Interchange Business

Fire District Winona Lake

Acreage 119 acres

School District Newburgh Enlarged City District

7. Tax Map: Section See Exhibit A **Block** _____ **Lot** _____

8. Project Description and Purpose of Review:


Number of existing lots 8 Number of proposed lots 2
Lot line change Proposed lot line change/lot consolidation
Site plan review Proposed warehouse development
Clearing and grading Proposed and shown on the site plans
Other _____

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

9. Easements or other restrictions on property:

(Describe generally) Utility easements to provide the project with services

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

Signature  Title MANAGER
Date: 7/27/21

NOTE: If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.



MATRIX

Matrix Newburgh Route 300, LLC
Matrix Logistics Center at Newburgh

EXHIBIT A

Property Details

Parcel No.	Section	Block	Lot
1	60	3	41.4
2	60	3	41.3
3	60	3	49.1
4	60	3	49.22
5	60	3	48
6	60	3	56
7	97	1	13.3
8	97	1	20.3

Matrix Development Group
Forsgate Drive, CN4000
Cranbury, NJ08512
Tel: (732) 521-2900
Fax: (609) 395-8289
www.matrixcompanies.com

ARCHITECTURAL REVIEW FORM
TOWN OF NEWBURGH PLANNING BOARD

DATE: 7.23.2021

NAME OF PROJECT: Matrix Logistics Center at Newburgh - Buildings A & B

The applicant is to submit in writing the following items prior to signing of the site plans.

EXTERIOR FINISH (skin of the building):

Type (steel, wood, block, split block, etc.)

Precast or Tilt-up Concrete Wall Panels

COLOR OF THE EXTERIOR OF BUILDING:

Grey and neutral tones - see building renderings.

ACCENT TRIM:

Location: Please see building elevations.

Color: Please see building renderings.

Type (material): Various patterns and reveals within wall panels.

PARAPET (all roof top mechanicals are to be screened on all four sides):

Parapet heights vary along the perimeter of the building.

ROOF:

Type (gabled, flat, etc.): Flat roof with a single ridge line. Roof slopes 1/8" per ft.

Material (shingles, metal, tar & sand, etc.): Black EPDM Membrane over rigid polyiso boards

Color: White

WINDOWS/SHUTTERS:

Color (also trim if different): Painted metal with blue/gray tinted glazing

Type: Fixed aluminum storefront or curtainwall system

DOORS:

Color: Please see building renderings.

Type (if different than standard door entrée): Insulated Hollow Metal

SIGN:

Color: T.B.D. by future tenant

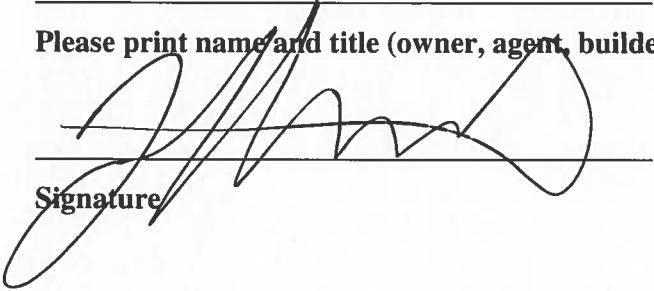
Material: T.B.D. by future tenant

Square footage of signage of site: See elevations for building-mounted (wall) signage

Jamie Hollingsworth, Project Manager, Ford & Associates Architects

Please print name and title (owner, agent, builder, superintendent of job, etc.)

Signature

A handwritten signature in black ink, appearing to read 'Jamie Hollingsworth', is written over a horizontal line. The signature is stylized and cursive.

Matrix Logistics Center at Newburgh

Town of Newburgh, Orange County, New York

State Environmental Quality Review Act (“SEQRA”)
Expanded Environmental Assessment Form (“EAF”) and Narrative

Evaluation of Potential Environmental Impacts

August 5, 2021

Deleted: May 18,

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- Appendix 2 – Lot Line Change Plans
- Appendix 3 – Clearing and Grading Permit Application
- Appendix 4 – The Ridge Project Documents
- Appendix 5 – Site Plan and SEQRA Comparison Chart
- Appendix 6 – SEQRA Mitigation Measures Comparison Chart
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- Appendix 17 – Traffic Impact Study
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- Appendix 20 – Aerial Photos
- [Appendix 21 – Supplemental Traffic Analyses](#)

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Expanded Environmental Assessment Form and Narrative

1 PROPOSED ACTION

Matrix Newburgh Route 300, LLC (the “Applicant” or “Matrix”) is the owner of real property located along NYS Route 300 across from the I-84/I-87 interchange in the Town of Newburgh, New York (the “Town”). The property consists of commercial tax parcels 97-1-20.3 & 13.3 and 60-3-56, 41.3, 49.22, 48, 49.1, and 41.4 (the “Project Site”).¹ The Project Site is located in the Town’s Interchange Business (IB) zoning district and is bounded by I-84 to the south, commercial uses and NYS Route 300 to the west, residential uses to the east, and NYS Route 52 to the north. The Project Site contains approximately 119 acres of vacant land and is located across Route 300 from the Newburgh Mall. A majority of the Project Site has been previously cleared of significant vegetation as authorized by pre-existing approvals from the Town of Newburgh Planning Board (“Planning Board”) for the Ridge project²--a large-scale retail/entertainment development previously approved on the Project Site (the “Ridge Project”). This clearing operation was conducted approximately 10 years ago and some shrub type vegetation has grown in since then. As part of these same approvals, a certain amount of site grading occurred to construct stormwater management basins, fill wetlands, construct wetland mitigation areas and cut in construction access roads.

The Applicant is proposing to improve the Project Site with two (2) new warehouse/distribution centers that will support and facilitate local and regional e-commerce demands. These distribution centers include the following: (1) a 927,041 square foot distribution center in the middle of the Project Site and set back from Route 300; and (2) a 215,200 square foot distribution center on the western portion of the Project Site located adjacent to Route 300 (the “Project”). **See Appendix 1, Site Plans.** The Project will also include off-street car and truck parking and loading facilities for each distribution center, a private road providing access to each distribution center from Route 300 with emergency access to Route 52, and related lighting, signage, landscaping, utilities, and stormwater management facilities, among other things. The distribution centers will be fully enclosed and privately owned and operated. Warehouses are a permitted use in the IB zone, subject to site plan approval by the Planning Board.

The Applicant previously appeared before the Planning Board on January 7, 2021 for sketch plan review and received a favorable recommendation from the Planning Board for the Project. Matrix is now seeking site plan approval for the construction of the Project. In addition, the Applicant is proposing a lot-line change to consolidate and reconfigure the existing tax parcels located on the Project Site and reduce the number of tax lots from eight (8) to two (2). **See Appendix 2, Lot Line**

¹ The Applicant previously proposed to include the four residential tax parcels that it owns to the northeast of the Project Site as part of the application (Tax IDs: 71-4-8, 9, 10, 11, 12, 13 and 14). However, the Applicant has since withdrawn these parcels as part of this site plan application, further reducing the potential adverse impacts on neighboring residential properties. These residential parcels are no longer part of the Project or the Project Site.

² The Ridge project was formerly known as the Marketplace and the Loop.

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Change Plans. This lot consolidation will clean-up the existing lot configuration. After consolidation, each distribution center would be located on its own lot. Both reconfigured lots will conform to the requirements in the Town of Newburgh Zoning Code (the “Zoning Code”). The Project fully complies with the Zoning Code. No variance will be required for the Project. Lastly, Matrix is seeking a clearing and grading permit from the Planning Board to allow clearing and grading work to begin on the Site after SEQRA has been completed on the Project and before final site plan approval is granted by the Planning Board. **See Appendix 3, Clearing & Grading Permit Application.** Any clearing and grading work conducted on the Site before final site plan approval would be conducted at Matrix’s risk. It is acknowledged that the issuance of a Clearing and Grading Permit is at the discretion of the Planning Board after a public hearing is held and any issues relating to the clearing and grading operations are addressed to the satisfaction of the Planning Board, including blasting protocols and other similar concerns.

It is the Applicants opinion that this SEQRA narrative demonstrates that any potential environmental impacts created by the Project and any proposed mitigation are consistent with the Planning Board’s prior extensive SEQRA reviews for the Ridge Project and, in fact, are reduced over the previously approved plans for the Ridge Project. This narrative will also discuss and demonstrate, in the Applicant’s opinion, that the Project will not create any new significant adverse environmental impacts that were not already addressed or inadequately addressed in the Planning Board’s prior SEQRA reviews for the Project Site. Therefore, it is the Applicant’s opinion that a Supplemental Environmental Impact Statement (“SEIS”) need not be prepared. Based on the foregoing, the Planning Board may choose to address the Project based the previously issued SEQRA Findings Statement for the Ridge project and issue an Amended SEQRA Findings Statement or, in the alternative, a Negative Declaration may be considered by the Planning Board for the Project as discussed below. It is acknowledged that the completion of the SEQRA process is at the discretion of the Planning Board.

2 HISTORY OF SITE AND SEQRA HISTORY

Since 2008, the Project Site has been approved for a large-scale retail/entertainment development known as the Ridge (aka the Marketplace & the Loop) (the “Ridge Project”). The Project Site was initially proposed to be developed with an 850,000 square foot shopping center on 128.1 acres of land. This development proposed to use nineteen (19) tax lots, including those proposed to be utilized by the Applicant, as well as four (4) residential parcels and four (4) parcels owned by the New York State Department of Transportation (“NYSDOT”). The developer proposed to construct the retail buildings, parking, and stormwater facilities on the parcels zoned IB and utilize the residential parcels as an access drive from NYS Route 52. The Ridge Project included 200,000 square feet of single-level retail space with small, high-end shops on the portion of the Site closest to NYS Route 300, known as the “lifestyle center component.” The remainder of the Site was proposed to be occupied by larger retail tenants with standalone or attached buildings, totaling up to 650,000 square feet of space. Access was proposed from 3 locations: (1) NYS Route 300 at the intersection of the Newburgh Mall, (2) from NYS Route 52 across from Fifth Avenue in the vicinity of Exit 8 from I-84, and (3) at the existing five-way intersection at Meadow Avenue, Powder Mill Road, Innis Avenue, and Route 52. The Planning Board granted final site plan approval for the Ridge Project on June 19, 2008.

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Following the 2008 site plan approval, the Planning Board reviewed and approved multiple changes to the Ridge Project plans. These subsequent plans included the reduction of the gross leasable area from 850,000 SF to 784,000 SF and finally, to 700,000 SF. As recently as June 4, 2020, the Planning Board reapproved the sixth amended site plans for the Ridge Project and reaffirmed its comprehensive SEQRA reviews with a SEQRA Consistency Statement. Since then, Matrix has purchased the permits/approvals and all of the technical/environmental information and studies/reports included in the SEQRA reviews for the Ridge Project from the previous developer and has transferred all permits/approvals for that project to Matrix. The sixth amended site plan approval for the Ridge Project is currently in effect and valid until 2022. **See Appendix 4, The Ridge Project Documents.**³

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The Ridge Project was subject to an extensive and exhaustive SEQRA review by the Planning Board conducted over many years. The Planning Board required the prior developer of the Ridge Project to prepare a detailed Draft Environmental Impact Statement (“DEIS”) and a Final Environmental Impact Statement (“FEIS”) to evaluate all potentially significant environmental impacts of that project.⁴ Both the DEIS and FEIS evaluated the full build-out of the Project Site with as much as 850,000 SF of retail and commercial space. After completion of the FEIS, the Planning Board adopted a comprehensive SEQRA Findings Statement which concluded that the large-scale development of the Ridge Project minimized or avoided, to the maximum extent practicable, adverse environmental effects discussed in the DEIS and FEIS by incorporating certain mitigating measures, where practicable. Thereafter, the developer proposed a variety of changes to the Ridge Project, and the Planning Board issued several Amended SEQRA Findings and SEQRA Consistency Determinations to address and mitigate the environmental impacts from those project changes.

Below is a comprehensive list of the previous SEQRA determinations and site plan approvals and amendments issued by the Planning Board for the Ridge Project:

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- SEQRA Findings Statement dated May 3, 2007 (“2007 Findings Statement”);
- Amended SEQRA Findings Statement dated March 6, 2008;
- Site Plan Approval (850,000 SF of retail) and Second SEQRA Amended Findings Statement dated June 19, 2008;
- First Amended Site Plan Approval and SEQRA Consistency Determination dated September 16, 2010;
- Second Amended Site Plan Approval and SEQRA Consistency Determination dated November 18, 2010;
- Third Amended Site Plan Approval and Third Amended SEQRA Findings Statement dated March 1, 2012;

³ If site plan approval is granted for the Project, Matrix agrees that the sixth amended site plan approval for the Ridge Project will be replaced with the new approval for Matrix’s Project and the 6th amended approval for the Ridge will become null and void.

⁴ The DEIS and FEIS for the Ridge Project are incorporated by reference herein. Should the Planning Board wish for the Applicant to provide copies of these documents (or portions thereof), arrangements will be made to do so.

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- Fourth Amended Site Plan Approval and SEQRA Consistency Determination dated April 17, 2014;
- Fifth Amended Site Plan Approval and SEQRA Consistency Determination dated September 17, 2015;
- Sixth Amended Site Plan Approval (700,000 SF of retail) and corresponding Fourth Amended SEQRA Findings Statement dated June 15, 2017 (“2017 Amended Findings Statement”);
- [Original DEIS Scope dated February 10, 2005;](#)
- [Original DEIS accepted as complete on May 4, 2006;](#)
- [Original DEIS Public Hearing held on June 1, 2006; and](#)
- [Original FEIS accepted as complete on March 15, 2007.](#)

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See Appendix 4, The Ridge Project Documents.

This SEQRA narrative will compare the potential impacts of the Matrix’s Project with the above approvals for the Ridge Project to demonstrate that any environmental impacts created by the Project are consistent with, or reduced, from the prior approvals. The majority of this narrative will refer to the 2007 SEQRA Findings Statement which contained the most comprehensive discussion of potential adverse environmental impacts and mitigation measures. Although much of the technical/environmental data and studies used to make the 2007 SEQRA determination is referenced in this narrative. Matrix did prepare updated technical/environmental studies and reports with current, data and site conditions to address potential impacts associated with the proposed Project, which varied from the Ridge project that was retail use. These updated studies/reports include, among other things, the following items which are attached hereto as appendices and discussed in more below:

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- [Stormwater Pollution Prevention Plan \(Appendix 9\)](#)
- [Geotechnical Memo \(Appendix 10\)](#)
- [Water and Sewer Reports \(Appendix 11\)](#)
- [Habitat/Wildlife Assessment \(Appendix 12\)](#)
- [Route 300 Perspective Study \(Appendix 13\)](#)
- [Phase I \(IA and IB\) Cultural Resource Investigations \(Appendix 15\)](#)
- [SHPO Letter \(Appendix 16\)](#)
- [Traffic Impact Study \(Appendix 17\)](#)
- [Sound Study \(Appendix 18\)](#)
- [Fiscal Benefits Analysis \(Appendix 19\)](#)

3 PROPOSED PROJECT COMPARED TO APPROVAL OF THE RIDGE PROJECT

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For reference, attached hereto as Appendix E is a Site Plan and SEQRA Comparison Chart comparing certain quantitative and qualitative components of the Project to the Ridge Project (“the SEQRA Comparison Chart”). **See Appendix 5, Site Plan and SEQRA Comparison Chart.** The SEQRA Comparison Chart compares the environmental impacts of the Project with the initial Site Plan Approval for the Ridge Project for 850,000 SF of retail and the Sixth Amended Site Plan Approval for the Ridge Project for 700,000 SF of retail. As noted in the chart, the Project’s

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environmental impacts are generally consistent with or less, and in some cases significantly less, than those originally reviewed and approved for the Ridge Project

In addition, the Matrix Project will, in the Applicant's opinion, provide a number of environmental benefits which will reduce impacts over those previously reviewed and approved by the Planning Board for the Ridge Project. Those benefits include the following, among others:

- 1) Reduce traffic trips and traffic impacts on nearby roadways. Significantly fewer traffic mitigation measures are required;
- 2) Decrease in overall impervious surface coverage. This will reduce the amount of stormwater run-off created by the Project;
- 3) Increased setbacks on the eastern and northern side yards to provide greater buffers for the Project buildings to neighboring residential properties.
- 4) Maintain existing wooded areas along residential property lines to screen and buffer the Project. Where necessary, adding landscaping along the property line of residents on Hilltop Avenue to further screen and buffer the Project;
- 5) Elimination of an access drive through the residential neighborhood to the east. No disturbances are proposed in this neighborhood from the Project.
- 6) No further wetland and stream impacts. Elimination of the driveway and utility line crossings of Quassaic Creek. Elimination of flood-plain disturbances and the need for a flood plain development permit;
- 7) Revised stormwater design to achieve compliance with the current NYSDEC stormwater regulations which are more protective of the environment;
- 8) Providing new high-quality architectural design;
- 9) Providing an enhanced Project entrance to NYS Route 300 with stone walls, landscaping and signage which complies with the Town's signage law.
- 10) Elimination of any variances from the Town's Zoning Board of Appeals including signage variances. The Project fully complies with the Zoning Code;
- 11) Replace the full access road to the five-way intersection at Meadow Avenue, Powder Mill Road, Innis Avenue, and Route 52 with an emergency access drive. Eliminate traffic impacts at this intersection.
- 12) Significantly reduce the daily flow of water and wastewater generated from the Project.
- 13) Move sound wall away from the residents' backyards and viewsheds and closer to the Project buildings where it will more effectively control sound to ensure compliance with the Town's Noise Law.

14) Many of the SEQRA mitigation measures developed by the Planning Board for the Ridge Project will also be implemented for Matrix's Project. See Appendix 6, SEQRA Mitigation Measures – Comparison Chart.

These Project benefits will be evaluated by the Planning Board including an increase in truck traffic.

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4 SEQRA COMPLIANCE

The Project’s potential environmental impacts must be reviewed pursuant to SEQRA and its implementing regulations in 6 NYCRR Part 617. The Project remains a Type I action, and the Planning Board should remain the lead agency for the Project’s SEQRA review. To this end, on February 18, 2021, the Planning Board declared its intent to remain the SEQRA lead agency for the Project and conduct a coordinated SEQRA review with the other involved and interested agencies. Since then, no other agency has objected to the Planning Board acting as the lead agency. As a result, the Planning Board is now free to designate itself as the lead agency.

The Ridge Project received a positive declaration under SEQRA on December 9, 2004. A further positive declaration is not required at this time. Pursuant to SEQRA, at this time, the Planning Board only needs to review the Project as compared against the Ridge’s 2007 Findings Statement and subsequent Amended Findings Statements and determine whether the Matrix Project and its changes to the Site require a Supplemental EIS (“SEIS”), an Amended Finding Statement based on the previously issued SEQRA Findings for the Ridge project.

As required by the SEQRA regulations, the Planning Board must evaluate whether potentially significant environmental impacts may result from the Project that arise from: (1) changes proposed for the project; (2) newly discovered information; or (3) a change in circumstances related to the project. *See* 6 N.Y.C.R.R. § 617.9(a)(7)(i). A SEIS does not need to be prepared if the lead agency reasonably concludes that Project changes, new information, or change in circumstances will not cause a significant adverse environmental impact. *See generally Riverkeeper, Inc. v. Planning Bd. of Town of Southeast*, 9 N.Y.3d 219, 231 (2007).

As demonstrated herein, it is the Applicant’s opinion that: (1) the project changes will not result in any potentially significant adverse environmental impacts, (2) there has been no newly discovered information since the Ridge Project approvals that would warrant an SEIS, and (3) there not any changes in circumstances that would create a significant adverse impact on the environment. In fact, as noted above (and discussed below), the Project actually reduces environmental impacts over the Ridge Project and provides a number of environmental benefits. As a result, it is the Applicant’s opinion that the Project does not create any significant adverse environmental impacts and an Amended Findings Statement may be considered by the Planning Board under SEQRA. It is acknowledged that the completion of the SEQRA process is at the discretion of the Planning Board.

5 INVOLVED AND INTERESTED AGENCIES

As further required by SEQRA, the Applicant has identified the following agencies that may be involved or interested in the environmental review and approval of the Project:

- 1) Town of Newburgh Planning Board (Site Plan Approval, Lot Line Changes/Consolidation, ARB Approval);
- 2) Town of Newburgh Planning Board (Clearing & Grading Permit);

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- 3) New York State Department of Transportation (Highway Work Permit for Roadway Improvements on NYS Route 300 & Re-Approval of Work in Natural and Scenic Easement);
- 4) New York State Department of Environmental Conservation (SDPES General Permit for Stormwater)
- 5) Orange County Department of Health (Sewer and Water Main Approvals);
- 6) Orange County Planning Department (GML 239-m Referral);
- 7) New York State Office of Parks, Recreation & Historic Preservation (Consultation on Cultural Resources);
- 8) City of Newburgh (Sewer Connection)
- 9) Town of Newburgh Town Board (Approval of Developer’s Agreement and financial guarantees).
- 10) Town of Newburgh Stormwater Management Officer (Approval of SWPPP, MS4 Acceptance Form and Five-acre waiver)

6 EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

When determining whether project changes, new information or changed circumstances will result in a significant adverse environmental impact, the lead agency should also consider the criteria for determining the significance of potential environmental impacts as set forth in the SEQRA regulations at 6 NYCRR § 617.7(c). Those criteria are discussed in more detail below. An updated and revised Full Environmental Assessment Form (“FEAF”) has been provided by the Applicant and attached hereto as **Appendix 7**.

Based on the following discussion, it is the Applicant’s opinion that the Project will not create any significant adverse environmental impacts, and an SEIS need not be prepared.

6.1 Impact on Land

The Project will not have significant adverse impacts on land that have not already been adequately addressed in the SEQRA Findings Statements for the Ridge Project. The Project Site totals approximately 119 acres, and the Project proposes approximately 92 acres of disturbance. The Ridge Project originally proposed to disturb approximately 108 acres of land to accommodate the retail development. **See Appendix 4, Ridge Project Documents, 2007 SEQRA Findings Statement, at II(A)**. Based on these values alone, the overall impact to land will be reduced with this Project.

As mentioned above, approximately 77 acres of the Project Site have already been cleared and/or disturbed as part of the initial stages of the Ridge Project. **See Appendix 8, Phase I ESA - Site Photos**. These land disturbing activities included clearing, grubbing, wetland disturbance, wetland mitigation, installation of two stormwater management wet ponds, and installation of drainage culverts. **See Appendix 1, Site Plans, Existing Conditions**.

As such, minimal portions (approximately 4.9 acres) of the Project Site remain to be cleared to accommodate the Project which were not previously cleared as part of the Ridge Project. Pursuant to the Town Code, the Applicant has submitted a Clearing & Grading Permit application to the

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Planning Board for approval to clear and grade the necessary portions of the Project Site after SEQRA is complete and while the site plan application is being finalized by the Planning Board. **See Appendix 3, Clearing & Grading Permit Application.** It is acknowledged that the Planning Board will need to review and address any specific issues associated with the clearing and grading operations prior to issuing said permit. The Applicant will also need to address any NYSDEC issues or concerns prior to the start of clearing operations.

We also note that some clearing and grading for this Project will be necessary in the eastern portion of the Project Site within the bounds of a NYSDOT scenic/natural easement. In 2013, as part of the Ridge approvals, NYSDOT approved clearing, grading, landscaping (grass), and drainage improvements within the easement area. Some of this work was completed within the easement as part of the Ridge Project. The Matrix Project proposes similar work in the easement area and the Applicant has reached out to NYSDOT for confirmation that this work may continue under the 2013 approval. As part of this Project, all disturbance within the easement will be completely re-vegetated post-construction and the easement will remain as natural green space.

Impervious surface coverage will also be reduced for this Project as opposed to the Ridge Project. **See Appendix 5, Site Plan and SEQRA Comparison Chart.** Furthermore, the Applicant is proposing that 144 trailer and 356 car parking spots will be land-banked spaces and will only be constructed if/when they are necessary. This will create a further reduction to impervious surface. The trigger to the construction of these land banked parking spaces and trailer storage spots will be determined by the owner. However, from an environmental review perspective, the Applicant has included these banked parking areas in the SWPPP as if they were fully developed. These areas are to be graded to drain and covered with topsoil and lawn. If the land banked spaces are approved as part of the site plan but not built, the owner will need to apply for a building permit in the future to build these spaces in accordance with the site plan approval.

Most earthwork will involve the excavation for subsurface features including building foundations and placement of fill to level building and parking areas. Following excavation for these features, backfilling and fill operations will bring the development areas to the desired grade. This is consistent with the Ridge Project which was “designed to be a cut and fill project . . . [with no] need to import or export any ‘fill material.’” **See Appendix 4, The Ridge Project Documents, 2007 SEQRA Findings Statement, at II(A).**

Construction of the Project is expected to be completed within eighteen (18) months of approval (but this may vary depending on weather, material and labor supplies, etc.). It is not anticipated that the Project will involve the removal of significant natural material from the Project Site. Topsoil will be stripped from the disturbed areas and stockpiled for reuse in landscaping areas. Any topsoil that cannot be reused for landscaping purposes is intended to be reused on the Site in accordance with the site plans and related local and state regulations.

As discussed below, erosion control measures will be implemented during construction to minimize the erosion of land. **See Impact of Surface Water below; see also Appendix 9, Stormwater Pollution Prevention Plan (“SWPPP”).** These erosion control measures will be based upon updated NYSDEC stormwater regulations and guidelines and will be more protective

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of the environment than the Ridge Project. The Project is not located in a coastal erosion hazard area.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, it is the Applicant's opinion that the Project is not anticipated to have any significant adverse impacts to land. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts to land.

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6.2 Impact on Geological Features

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There are no unique or unusual landforms on or adjacent to the Project Site that will be impacted by the Project. **See Appendix 10, Geotechnical Memo.** There are no geological features listed as a registered National Natural Landmark on or adjacent to the Project Site.

Any impacts from construction (including blasting) will be temporary and adequately mitigated by proper erosion control measures and compliance with local and State regulations and permitting requirements. Blasting will be required for the Project. This is consistent with the 2007 SEQRA Findings Statement which concluded that "blasting will be required" and "could range between 420,000 and 480,000 cubic yards." **See Appendix 4, Ridge Project Documents, 2007 SEQRA Findings Statement, at II(A).** Based on the proposed grading plan, rock removal by blasting will range between 550,000 and 600,000 cubic yards, generally consistent with the blasting quantities anticipated for the Ridge project and in the same general location as the Ridge project. The overall earthwork projected for the Project is anticipated to be between 925,000 cubic yards and 975,000 cubic yards and the grading has been designed as a balanced site, which means there will be no need to export natural material from the Site. As required by the Town Code, the Applicant will apply for and obtain a blasting permit from the Town prior to any on-site construction blasting and comply with the blasting mitigation measures outlined in the Finding Statement for the Ridge project.

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Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, it is the Applicant's opinion that the Project is not anticipated to have any significant adverse impacts on geological features. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on geological features.

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6.3 Impact on Surface Water

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It is the Applicant's opinion that the Project will not have any significant adverse impacts on surface water. In fact, as compared to the Ridge Project, the Project will have little to no additional impact on wetlands or the Quassaic Creek and will comply with NYSDEC's updated stormwater regulations and therefore be more protective of the environment.

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Wetlands

It is the Applicant's opinion that the Project will not have a significant impact on wetlands. There are currently 10.5 acres of federally regulated wetlands on the Project Site. As demonstrated by

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the Project site plans, the Project avoids impacts to all existing U.S. Army Corps of Engineers (“USACOE”) wetlands and therefore a federal wetlands permit is not required. **See Appendix 1, Site Plans.** These impacts are significantly less than what was approved for the Ridge Project.

The 2007 SEQRA Findings Statement states that “approximately 1.05 acres of federally regulated wetlands would be disturbed. In order to mitigate this loss of wetlands, 2.17 acres of mitigation wetlands will be constructed in several different locations on the site.” **See Appendix 4, Ridge Project Documents, 2007 Findings Statement, at 14.** The Planning Board determined that these impacts to wetlands were unavoidable and would be sufficiently mitigated by an Erosion Control Plan and the construction of new wetland mitigation areas. Accordingly, the developer obtained a site-specific Nationwide Permit from the USACOE for the dredging and filling of these federal wetlands.

As part of the initial clearing of the Project Site for the Ridge Project, wetlands were filled, and mitigation wetlands were constructed. **See Appendix 1, Site Plans, Existing Conditions.** The Project will utilize these previously disturbed areas, but no additional disturbance will occur.

Quassaic Creek

It is the Applicant’s opinion that the Project will not have a significant impact on Quassaic Creek. The Ridge Project included the construction of an access road and utilities across the Creek on the northeast portions of the Project Site. This work was also located in the 100-year floodplain. As part of the Ridge Project, a floodplain development permit was obtained from the Town of Newburgh for impacts to floodplains around the Creek. **See, Impacts to Flooding below.** The Matrix Project has been designed to avoid the Quassaic Creek and the floodplain and will therefore eliminate any adverse impacts to the Creek and the floodplain. A floodplain development permit will no longer be required for the Project.

Stormwater Management and Erosion Control

It is the Applicant’s opinion that the Project will not have a significant adverse impact on stormwater run-off or erosion control. As part of the development work previously performed on the Site for the Ridge project, major stormwater practices proposed as part of that project were constructed along with the wetland fills and the wetland mitigation areas. The Project will improve these stormwater practices to the benefit of the environment by installing a modern stormwater management system on the Project Site to collect and treat stormwater prior to its release. See Appendix 9, SWPPP. The stormwater management practices for the Project are designed in accordance with the current NYSDEC stormwater guidelines, which are more protective of the environment than the stormwater regulations that were in place when the stormwater management system was designed and approved for the Ridge project.

During and after construction of the Project, stormwater will be managed, treated, and discharged in accordance with the requirements set forth in the NYSDEC State Pollution Discharge Elimination System (“SPDES”) general stormwater permit and the Project’s SWPPP. **See Appendix 1, Site Plans and Appendix 9, SWPPP.** The Project’s Site Plans and SWPPP are

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designed to comply with all applicable NYSDEC requirements for managing stormwater during and after construction.

During Project construction, erosion and sediment control measures will be installed, implemented, and maintained on the Project Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State’s water quality standards. These measures are designed to limit erosion of land by controlling the flow of water until permanent stormwater measures are installed and pervious surfaces are stabilized with vegetation and/or buildings and parking areas. Measures will include but not be limited to stabilized construction access, dust control, temporary soil stockpile, silt fencing, temporary seeding, inlet protection, and dewatering. **See Appendix 9, SWPPP.**

Post-construction erosion and sediment control measures will include the establishment of permanent vegetation and rock outlet protection. **See Appendix 9, SWPPP.** All erosion and sediment measures are designed to comply with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.

Post-construction stormwater management practices for the Project as set forth in the SWPPP are designed to conform to all applicable requirements in the NYSDEC general stormwater permit, the standards provided by the New York State Stormwater Management Design Manual (“Design Manual”) dated January 2015. The Project is designed, through the SWPPP, to provide for the installation, implementation, and maintenance of permanent stormwater management practices to meet the standards in the Design Manual so that discharges comply with the State’s water quality and quantity standards.

Specifically, post-construction, the Project’s stormwater management system will collect stormwater run-off from the Project Site via sheet flow to on-site catch basins within paved roads and parking areas or to grass swales. **See Appendix 9, SWPPP.** In addition, localized low and high points will be created to aid in the collection of stormwater run-off, which will be conveyed to the stormwater management practices for both water quality and water quantity control. Bioretention basins will be used to provide water quality treatment, and wet extended ponds will be used for water quantity control.

Stormwater management facilities will be located as depicted on the site plans and the SWPPP. As required by the NYSDEC stormwater regulations, the peak rate of run-off from the Project Site will be the same or less that the peak rate of run-off under existing conditions. **See Appendix 9, SWPPP.** By implementing the SWPPP, the Project will not cause any turbidity in any downstream waters. A stormwater management and maintenance easement will be recorded on the Site requiring all post construction stormwater controls to be maintained throughout the life of the Project.

Based on the foregoing, and after a review of the Project as compared to the Ridge Project, it is the Applicant’s opinion that the Project is not anticipated to have any significant adverse environmental impacts on surface water resources. In fact, the new stormwater design, being compliant with the updated NYSDEC standards, is more protective of the environment than those which were approved for the Ridge Project. Further, there has been no newly discovered

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information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on surface water resources.

6.4 Impact on Groundwater

~~It is the Applicant's opinion that the~~ Project will not have any significant adverse impacts on groundwater. The Project will not use groundwater wells. No such wells are known to exist on the Project Site. The Project will be connected to the Town's municipal water supply system and will not use groundwater resources. The Project will also be connected to the Town's municipal sewer system and will not use septic systems or subsurface wastewater disposal systems that could adversely impact groundwater.

~~It is the Applicant's opinion that the~~ Project Site contains no known or suspected historic sources of soil or groundwater contamination other than an old petroleum spill related to the former Exxon service station which was located on the Site along Route 300. **See Appendix 8, Phase I ESA.** This spill occurred over 20 years ago in 1999 and was cleaned up with the oversight of the New York State Department of Environmental Conservation (the "NYSDEC"). In 2007, NYSDEC closed the spill with the acknowledgement that any residual contamination would be minimal and would attenuate overtime. As part of the Project, the area of the former spill will be covered with the Project's access road.

Well Monitoring Program

As part of the Ridge Project, a detailed well monitoring program was implemented to ensure that the residential wells on the nearby residential properties would not be adversely impacted by construction blasting. Matrix will follow the same program as part of this Project. This program involved, among a variety of other measures:

- Identification of the residential wells that may be impacted by the blasting and notification of the resident owners;
- Pre-construction monitoring of the wells;
- Installation of data loggers in the wells to ascertain pre-blasting, blasting, and post-blasting operating conditions; and
- Providing immediate potable water and drilling of a new well for any neighboring well that may be adversely affected by the blasting.

See Appendix 4, The Ridge Project Documents, 2007 SEQRA Findings Statement, at II (D).

To mitigate any adverse effects to the groundwater or neighboring residential properties, the Applicant has begun to implement and will maintain the well monitoring program previously approved by Planning Board to ensure that any residential wells are properly protected from the construction blasting. The complete well monitoring program to be followed as part of this Project is included in **Appendix 4, The Ridge Project Documents.** ~~It is the Applicant's opinion that the~~ Project will not create any significant adverse impacts on neighboring wells.

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Water Use

The Project will yield an estimated daily water flow demand of 24,000 gallons per day (“GPD”). **See Appendix 11, Engineer’s Sewer/Water Report.** In addition, there will be an estimated 8000 gpd in irrigation water used to irrigate certain portions of the Site. The resulting total water demand for the Site is estimated to be 32,000 gpd. This projection is a significant decrease from the Ridge which originally proposed to generate 117,000 GPD of water. **See 2007 Findings Statement.** The Project will also require a ground mounted storage tank to provide adequate water for fire protection. The Project includes a 250,000 gallon tank to fulfill this need. The storage tank puts an initial demand on the Town’s water supply to fill. However, until the tank is needed, no additional water, except a small amount of makeup water is required.

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The Town’s water treatment plant and distribution system has sufficient capacity to accommodate this demand and will not be adversely affected by the Project. The Project will tap into the existing water main located in front of the Site in the bed of NYS Route 300. It is the Applicant’s opinion that the Project will not create any significant adverse impacts on water use.

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Wastewater

The Project will yield an estimated sanitary wastewater flow of 24,000 GPD. **See Appendix 11, Engineer’s Sewer/Water Report.** These flows will be comprised of sanitary wastewater generated from the warehouse and office workers in the distribution centers. No other waste flows will be generated by the Project. The projected wastewater flow for this Project is significantly less than the Ridge Project which was initially anticipated to generate 105,200 GPD of domestic sewage. **See Appendix 4, The Ridge Project Documents, 2007 SEQRA Findings Statement.** Sewer service for the Project will be provided by the City of Newburgh wastewater treatment plant. The plant has sufficient capacity to provide sewer service to the Project. As part of the Ridge Project, the City of Newburgh issued a flow authorization letter which is used to track sewer flows from the Town to the City of Newburgh treatment plant. Based on discussions with both the Town and the City, it was confirmed that the Town has adequate capacity at the City treatment plant to serve this Project. The Applicant, through the Town will seek an updated flow authorization letter that will identify the reduced flows anticipated from this site.

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Deleted: had approved the sewer connection and the anticipated sanitary flows and reserved capacity at its wastewater treatment plant to treat these flows. The Matrix Project will generate significantly less sanitary flows and require far less treatment capacity than the Ridge did. As a result, the rest of the treatment capacity currently reserved for the Ridge could now be reallocated to other users at the City of Newburgh’s discretion. Matrix
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The Project will not discharge wastewater into the ground. No septic systems or subsurface disposal systems will be used on the Project Site.

In addition, the Project proposes to connect to the existing sanitary sewer line in front of the Site along NYS Route 300. By contrast, the Ridge Project proposed to extend a new sewer line to the northeast corner of the Project Site near Quassaic Creek to connect to a sewer main in that area. This required the installation of a lengthy new sewer line across the Creek and through a floodplain. The Matrix Project avoids the installation of this lengthy sewer line and any disturbance to the Creek, the floodplain and the need for a Floodplain Development Permit. **See Impacts on Flooding, below.**

The Planning Board found that no adverse impacts related to water or wastewater were anticipated from the Ridge Project, and no mitigation measures were required. Accordingly, based on the

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significant decrease in water use and wastewater generation anticipated from this Project, it is the Applicant's opinion that there will be no significant adverse impacts will occur. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on groundwater. Any potential impacts to residential wells resulting from construction blasting will be properly monitored and fully mitigated by implementation of the well monitoring program described above.

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6.5 Impact on Flooding

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It is the Applicant's opinion that the Project will not have any significant adverse impacts on flooding. As discussed in detail above and shown on the site plans, all stormwater from the Project Site will be collected, managed, and treated by a stormwater management system in compliance with the NYSDEC General SPDES Permit for Stormwater Discharges for Construction and the SWPPP. **See Appendix 1, Site Plans and Appendix 9, SWPPP.** Among other things, these regulations require that the peak rate of stormwater run-off from the Project's stormwater system is the same or less as the peak rate of existing conditions. As a result, stormwater from the Project will not create any flooding on or off the Site.

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As noted on the Federal Emergency Management Administration Flood Insurance Rate Maps ("FIRM") covering the Town of Newburgh, the northeast corner of the Project Site near the Quassaic Creek is located in a designated 100-year floodplain. **See Appendix 8, Phase I ESA, FIRM Map.** The Project does not propose any development or disturbance within the floodplain. There is no known flooding on the Project Site. No dams or other large impoundments of water are located on the Site.

We note that the Ridge Project obtained a Floodplain Development Permit from the Town for the installation of a sewer line and an arch culvert for a roadway crossing over the Quassaic Creek to access the retail development. By eliminating any disturbance to the floodplains on the Property, this Project has eliminated any adverse impacts on flooding that were anticipated by the Ridge.

Based on the foregoing, and after a review of the Project compared to the Ridge Project, it is the Applicant's opinion that the Project is not anticipated to have any significant adverse impacts on flooding. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on flooding.

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6.6 Impact on Air

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It is the Applicant's opinion that the Project will not have any significant adverse impacts on air quality that were not properly addressed and/or mitigated in the 2007 SEQRA Findings Statement for the Ridge Project. During construction, any air impacts from construction activities will be temporary and of short duration. In addition, the Project will incorporate the same mitigation measures for construction related impacts that were identified in the Ridge Project. In particular, the 2007 Findings Statement determined that temporary impacts on air quality were expected from construction. This included the rock processing operation which would require a permit from the NYSDEC Division of Air Resources. In addition, the Planning Board determined that the fugitive or airborne dust from construction required certain mitigation measures including, minimizing the

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extent of unvegetated soil, use of fast-germinating seed on exposed soil, and spraying water areas used for construction traffic. These mitigation measures, and others included in the 2007 Findings, will also be utilized by the Applicant to minimize construction dust. In fact, as noted above, the Applicant has prepared a SWPPP which incorporates construction dust control measures, including water suppression and stabilized construction entrances. **See Appendix 9, SWPPP.** As a result, any potential adverse impacts to air caused by construction will be temporary and intermittent in nature and will be adequately minimized by the practices described above.

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Post-construction, the Project will also have minimal impact on air quality. There are no anticipated regulated air emissions from the proposed warehouse operations. No air permits or air registrations are required from NYSDEC for the distribution centers. The Project is not a manufacturing or processing facility. The Project will also comply with the NYSDEC's Heavy Duty Vehicle Idling Law, 6 NYCRR 217.3, which prohibits heavy duty vehicles, including non-diesel and diesel trucks from idling for more than five (5) minutes at any one time. Compliance with this law will ensure that on-site trucks do not adversely impact air quality on the Site or at surrounding properties. The NYSDEC idling law is enforced by the New York State Police, the NYSDEC Environmental Conservation Officers, the Orange County Sheriff's Department and/or the Town of Newburgh Police.

In addition, the Project will not adversely affect air quality at surrounding intersections on local roadways. As part of the Project, a comprehensive Traffic Impact Study ("TIS") was prepared to evaluate the Project's potential traffic impacts on surrounding intersections identified in the TIS. As part of the TIS, a Levels of Service ("LOS") analysis was conducted which concluded that the LOS at these intersections will generally not fall below a LOS C during the weekday morning and evening peak hours (except for the NYS Rt 300 and I-87 Ramps which operate at LOS D). Maintaining these LOS will ensure that these intersections operate efficiently and that good air quality is maintained in and around the intersections. These findings in the TIS are consistent with the 2007 Findings Statement which determined that no air quality impacts were anticipated from the Ridge operations including traffic, and no post-construction mitigation measures were required.

Based on the foregoing, and after a review of the Project compared to the Ridge Project, it is the Applicant's opinion that the Project is not anticipated to have any significant adverse impacts on air quality. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on air.

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6.7 Impact on Plants and Animals

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It is the Applicant's opinion that the Project will not have any significant adverse impact on plants or animals. There is limited wildlife habitat on the Site today. As stated above, large portions of the Project Site have already been significantly disturbed pursuant to the Ridge Project approvals. Most of the Site has been cleared and partially excavated. Two large stormwater ponds have been excavated on the Site and construction roads and fencing have been installed throughout the Site. An asphalt paved area is located in the western portion of the Site next to NYS Route 300. As such, these disturbed portions of the Site are not suitable habitats for any protected, threatened or endangered species. In addition, the Project Site is not part of a wildlife refuge, preserve, or

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sanctuary nor is it adjacent to any such areas. The Site is not registered National Natural Landmark and does not contain any significant natural community.

Information available from NYSDEC and U.S. Fish & Wildlife Service indicates that portions of the Project Site may be potential habitat for protected bat species including the Indiana Bat (*Myotis sodalis*), the Northern Long-Eared Bat (*Myotis septentrionalis*), and a protected plant, the small whorled pogonia (*Isotria medeoloides*). The Project proposes to clear an additional 4.3 acres of wooded area along the eastern boundary of the Project Site which did not need to be cleared as part of the Ridge Project approvals. **See Appendix 12, Habitat/Wildlife Assessment.** This small wooded area could contain potential roost trees for bats. The large cleared areas on the Site do not provide any habitat for these protected bats.

Prior studies of the Project Site previously confirmed the absence of threatened, endangered, or rare plants. To confirm these studies and to determine whether the Project would adversely impact the species noted above, Langan reviewed the Project Site and performed site visits on March 31, 2021 and April 16, 2021. **See Appendix 12, Habitat/Wildlife Assessment.** Based on its observations, Langan concluded that due to the “small portion of the wooded area to be cleared, proximity to prior cleared areas, and location of the wooded areas just within or outside of areas mapped by NYSDEC as potential Indiana bat habitat”, the Project is unlikely to adversely impact Indiana bats or northern long eared bats. In addition, Langan did not observe any protected species present on the Project Site during its recent site visits. **See Appendix 12, Habitat/Wildlife Assessment.** These findings are consistent with the Ridge Project approvals which concluded that Indiana Bats are unlikely to utilize the Project Site as habitat. No appropriate habitat for the small whorled pogonia was found on the Site and no adverse impacts are expected to this plant species. The Project will create large open space areas along the eastern and western boundaries with the residential districts and along I-84 which can be used as wildlife corridors or areas.

In addition, as stated above, this Project does not propose any disturbance to the federal wetlands or the Quassaic Creek. Any wildlife utilizing these aquatic habitats will not be adversely affected by the Project. Further, as discussed above, these aquatic habitats will be further protected by the Project’s stormwater management system which will properly manage, treat and release storm water run-off on the Site in accordance with the current NYSDEC stormwater regulations which are more protective of the environment than the Ridge’s older stormwater design. It should be noted that there are limited stormwater controls on the Site today and run-off flows untreated into the wetlands and creek in places. The Project’s stormwater system will improve this existing condition which will likely provide a benefit to the wildlife using the wetlands and creek. Accordingly, unlike the potential impacts to aquatic plants and animals that were studied in the 2007 SEQRA Findings Statement, this Project is unlikely to have any impact on aquatic species.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, it is the Applicant’s opinion that the Project is not anticipated to have any significant adverse impacts on plants and animals. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on plants and animals.

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6.8 Impact on Agricultural Resources

The Project Site is not located in an agricultural district and will not cause significant adverse impacts to agricultural resources or impact soils that are either in prime farmland or potentially prime farmland. **See Appendix 7, Full EAF, at 12.** The Project Site is not used for farming. It has been cleared and partially developed for commercial use. No active farms or farmland are located next to or near the Site. The Project will not interrupt any existing farm operations and will not sever, cross or limit access to agricultural land. The Project is not covered by any municipal farmland protection plan and will not disrupt or prevent the installation of an agricultural land management system. Further, the impacts of the Project on agricultural resources are mitigated by the location of the Project Site next to the Route 300/I-84/I-87 interchange in a commercial/industrial zoning district designated by the Town for precisely the types of uses proposed as part of the Project.

Based on the foregoing, ~~it is the Applicant's opinion that the~~ no significant adverse environmental impacts to agricultural resource will result from the Project.

6.9 Impact on Aesthetic Resources

~~It is the Applicant's opinion that the~~ Project is not anticipated to have any significant adverse impacts on aesthetic resources. The Project will not be visible from any officially designated federal, state, or local scenic aesthetic resources nor will it impact or diminish any officially designated scenic views. The Project does not contain any such resources. The Site is zoned for industrial and commercial uses and is located in a heavy commercial corridor next to the NYS Rt 300/I-84/I-87 interchange. Similar warehouses and distribution centers and a large shopping mall are all visible within a mile of the Site along NYS Route 300, I-84 and I-87. The Project is consistent with the views of this existing commercial character. ~~The site is generally surrounded by other commercial uses and interstate highways and as indicated above is properly zoned for the industrial uses including the Project. However to the northeast, there is a residential neighborhood and the design of the Project has taken into consideration this residential neighborhood. Mitigation measures have been included in the Project to provide protections for this neighborhood. These measures include, (1) supplemental landscaping near the property line, (2) a full sound barrier; (3) continuation of the well monitoring and blasting protocol approved for the Ridge project; (4) removal of the access road into the neighborhood as approved for the Ridge project; and (5) increased building setbacks over the Ridge project. These measures have been provided as part of the Project design to ensure to any potential impacts to these residential areas have been mitigated to the greatest extent practicable.~~

To assess the visibility of the Project from surrounding public roads and adjacent residential areas, the Planning Board requested five line-of-sight drawings from the following vantage points: (1) Point A - NYS Route 300; (2) Point B - South Plank Road; (3) Point C - Hilltop Avenue; (4) Point D - Summit Lane Apartments on the southside of I-84; and (5) Point E - the I-84 westbound off ramp. **See Appendix 1, Site Plans.** In each drawing (other than the drawing from NYS Route 300) the views of the Project buildings are generally screened by existing trees, vegetation and intervening topography. However, during leaf off-season, filtered and obscured views of the

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buildings are expected from these vantage points. These views are not considered to be significant or adverse given the similar warehouse and commercial uses nearby.

Warehouse B will be located near NYS Route 300 and views of this building from the highway will be more pronounced than other views of the Project. To soften and enhance these views, a detailed landscaping plan was developed along the frontage of Route 300. **See Appendix 1, Site Plans.** These include stone walls and landscaping on both sides of the access road. A berm and landscaping is proposed along Route 300 to help screen the warehouse. While the warehouse will be clearly visible from Route 300 when the landscaping is initially installed, as the landscaping matures, the views of the warehouse will become more screened and filtered. At full growth, the landscaping will be sufficient to almost completely shield the development from the roadway. To illustrate these views, Matrix prepared a number of visual perspectives from Route 300. **See Appendix 13, Route 300 Perspective Study.** At the request of the Planning Board's landscape architect, more vegetation was added to reinforce the trees and shrubs on the berm and these plantings will be denser than shown on the perspective. In addition, more trees were added along the northwest access road to screen the Project from across the adjacent plaza parking lot. Lastly, to ensure that the landscaping will be properly maintained, the Applicant has agreed to develop a landscape maintenance plan for the Project with guidance from the Board's landscape architect.

In addition, the project architect, Ford & Associates, prepared building elevation renderings to show the heights of each warehouse building (A & B) from the north, east, south, and west perspectives. **See Appendix 14, Building Elevations.**

The 2007 SEQRA Findings Statement determined that the Ridge Project would “covert existing woods into developed land, thus creating a change in the visual character of the site area.” However, the Planning Board found that these visual/aesthetic impacts were mitigated to the greatest extent possible by the inclusion of certain mitigation measures which included, “significant landscaping and buffering that meets or exceeds the current Town buffer codes”, a “unified architectural theme,” and lighting design that was “shielded to prevent light trespass from the site onto residential properties.”⁶ **See 2007 SEQRA Findings Statement, at Section II(J).** As discussed in detail below, this Project will incorporate these same mitigation measures to ensure that there are no significant adverse impacts on aesthetic resources.

Architecture

To further improve the views of the Project from NYS Route 300, Matrix developed enhanced architectural features for both warehouses. These features are shown in **Appendix 13, Route 300 Perspective Study.** In addition, the Project's entrance from Route 300 was designed to incorporate stone walls on either side of the entrance drive, complimentary landscaping, and signage. **See Appendix 13, Route 300 Perspective Study.** All of these features create a pleasing entrance that will add to the commercial character along NYS Route 300 and mitigate adverse impacts resulting from the visual changes caused by the Project.

⁶ The other mitigation measures related directly to the Ridge Project and its retail use and are not relevant for Matrix's Project.

It should also be noted that to minimize visual impacts, the Project was designed so that the larger warehouse building (warehouse A) will be located in the middle of the site and set back significantly from Route 300 and residential areas. Views of this building will be substantially shielded from Route 300 by warehouse B. **See Appendix 1, Site Plans.** The strategic placement of the warehouse buildings locates the most intensive development as far away as practicable from potential visual receptors.

Landscaping & Green Space

The Project's design has sited the warehouse buildings away from the residential neighborhoods to the northeast and closer to the I-84/I-87 interchange and the commercial corridor along NYS Route 300. By doing this, the Project has created larger areas of green space and preserved forested areas to buffer and screen the Project from residential areas to the maximum extent practicable. **See Appendix 1, Site Plans, Landscaping Plans.** For example, along the northeastern property line, much of the existing vegetation and forest lands will remain and will be supplemented with landscaping, where necessary, to block the sight line of neighbors. This is demonstrated by the site plans and line-of-sight drawing developed by Langan from this vantage point. **See Appendix 1, Site Plans.** Along the western property line near the residences along Starrow Drive and Charlike Court, the large forested wetland will remain which will also screen and buffer the Project

Also, as stated above, the stormwater management measures and NYSDOT scenic/natural easement will be re-vegetated and will remain as green space post-construction.

Signage

In addition to the above, the Project will require significantly less signage than what was proposed for the Ridge Project, further lessening any adverse aesthetic impacts. Specifically, as part of the Second Amended Site Plan Approval, the Ridge sought and obtained an area variance to allow for 12,781 square feet of building and freestanding signage, where 3,304 SF was permitted. **See 2008 First Amended Findings Statement, at Section III.** Here, the Matrix Project will comply with all signage requirements in the Town Code, and no variances will be required. Furthermore, all signs will be designed in a manner consistent with the enhanced architectural features discussed above.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, it is the Applicant's opinion that the Project is not anticipated to have any significant adverse impacts on aesthetic resources. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on aesthetic resources.

6.10 Impact on Historic and Archeological Resources

The Project will not have any significant adverse impacts on cultural resources. Other than the nearby Orange Mill Historic District, the Project Site does not contain and is not located next to or near any historic or prehistoric sites. The Site is located to the south of the Orange Mill Historic District which is located on the northside of South Plank Road. This district contains 42-acres

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which includes historic powder mill buildings and landmarks. Any potential impacts on this historic district were fully studied as part of the Ridge Project.

In July 2006, Phase IA and IB cultural resource studies were conducted as part of the Ridge Project's SEQRA review. **See Appendix 15, Phase I (IA and IB) Cultural Resource Investigations.** These investigations specifically assessed the Ridge's potential impact on Native American and European/American era cultural resources and determined that the Ridge Project would not have any adverse impact on these resources as none were present on the Site. The studies also assessed potential impacts on the nearby Orange Mill Historic District and determined that the Ridge would not have any impact on the district including viewsheds from this district. Following these studies, on November 13, 2006, the New York State Office of Parks, Recreation and Historic Preservation ("SHPO") issued a determination that the Ridge Project would have no adverse effect upon archeological resources and historic properties listed on the National and State Registers of Historic Places or deemed eligible for listing. **See Appendix 16, SHPO Letter.** Since the date of this letter, no additional historic or prehistoric properties have been listed or become eligible for listing on the National and State Registers within the vicinity of the Project Site. **See Appendix 15, SHPO's CRIS Map.**

Furthermore, to assess the Project's potential impact on the viewshed of the Orange Mills Historic District, Langan prepared a line of sight drawing showing the potential visual impacts from the district. **See Appendix 1, Site Plans.** Viewshed B shows the view from the district and demonstrates that the Project will not be visible from the district, as it is adequately buffered by existing trees and landscaping. In addition, the Project is set farther back from the historic district than what was previously proposed by the Ridge, further reducing any potential visual impact to the district. While views of the Project's emergency access drive entrance may be visible from a corner of the district, these views are not considered significant given the existing commercial and residential character around the drive and the adjacent four-way intersection. Views of the Project's emergency access drive will be less impactful than the views of the Ridge Project which proposed a full access road and new roundabout at this location.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, ~~it is the Applicant's opinion that the~~ Project is not anticipated to have any significant adverse impacts on historic or archaeological resources. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on historic or archaeological resources.

6.11 Impact on Open Space and Recreation

The Project will not result in any loss of recreational opportunities or any reduction of open space as designated in a governmental open space or recreational plan. The Project Site is privately owned and is not used for public recreation and is not a recreational resource. It is not designated as open space area on any adopted governmental open space plan. While the Project will result in the loss of vacant land (which had been previously cleared and partially developed for a large retail development), it will also preserve open space corridors around Quassaic Creek and federal wetlands on the Site. The existing NYSDOT Natural/Scenic Easements located on the Site will also remain as vegetated and natural open spaces.

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Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, ~~it is the Applicant's opinion that the~~ Project is not anticipated to have any significant adverse impacts on open space and recreation. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on open space and recreation.

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6.12 Impact on Critical Environmental Areas

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The Project will not have any impacts on any critical environmental areas ("CEAs") designated by NYSDEC because the Site does not contain any such CEAs. Nor are any CEAs located adjacent to or nearby the Project Site.

6.13 Impact on Transportation

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~~It is the Applicant's opinion that the~~ Project will not create any significant adverse impacts on traffic. To evaluate of any potential impacts based on current traffic conditions, a Traffic Impact Study was prepared by Langan and dated May 14, 2021 ("TIS"). **See Appendix 17, Traffic Impact Study.**

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The TIS concluded that, conservatively, the Project will generate approximately 516 new trips (504 enter, 270 exit) during the weekday morning peak hour and 831 new trips (198 enter, 633 exit) during the weekday evening peak hour. **See Appendix 17, Traffic Impact Study.** These estimates are significantly less overall than the peak hours estimates for the original Ridge approval of 850,000 SF, which estimated 799 new peak hour morning trips (495 enter, 304 exit) and 1,931 new peak hour evening trips (966 enter, 965 exit). **See Appendix 4, The Ridge Project Documents.** As part of the TIS, a Levels of Service ("LOS") analysis was conducted which concluded that the LOS at the surrounding intersections will generally not fall below a LOS C during the weekday morning and evening peak hours (except for the NYS Rt 300 and I-87 Ramps which operate at LOS D). The Project will maintain acceptable LOS on the surrounding roadway network and will not create any adverse traffic impacts.

The Ridge Project proposed vehicular access through three access points. The first at the intersection of Route 300 across from the Newburgh Mall and was proposed to be signalized. The second was at the intersection of Route 52 and Meadow Avenue/Powder Mill Road and was proposed to include a new roundabout. The third access point was proposed at Route 52 opposite Fifth Avenue and was proposed to be signalized. **See Appendix 4, The Ridge Project Documents.**

This Project eliminates the Route 52 connection across from Fifth Avenue and proposes only an emergency gravel access road to the Route 52 intersection with Meadow Avenue / Powder Mill Road. In addition, one access road is proposed for all vehicle access directly from NYS Route 300. This intersection with Route 300 will be signalized and provide three exiting and two entering lanes. In addition, the proposed signal will coordinate with the existing signals along Route 300 at the Newburgh Mall and Meadow Hill Road / Meadow Avenue intersection. **See Appendix 17, Traffic Impact Study.**

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These mitigation measures (i.e., signalization and construction of new access drives) will sufficiently mitigate any adverse impacts on traffic resulting from the Project and will result in significantly less overall trips and roadway mitigation improvements than what was contemplated for the Ridge.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, ~~it is the Applicant's opinion that the~~ Project is not anticipated to have any significant adverse impacts on traffic. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on traffic.

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6.14 Impact on Energy

The Project will require the use of energy—specifically electricity and natural gas—for heating, cooling, lighting, and other purposes, which will be supplied by Central Hudson Gas & Electric (“CHG&E”). During operations, the Project is estimated to generate an annual electricity demand of 900 kW. *See Appendix 7, Full EAF, at 7.* This energy usage will be similar in amount to the energy used for other similar warehouse/distribution center developments in the Town, County, and across the State. The Project is not a manufacturing or processing facility that will use massive amounts of electricity. It will not require any new substations or upgrades to existing ones. CHG&E ~~has issued a “will-serve” letter and confirmed they have~~ adequate capacity to provide electric and gas service to the Project.

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The Project will comply with the maximum energy use permitted by the New York State Energy Code. It is anticipated that construction of the Project will provide a more efficient facility than required by the Energy Code. The Project will utilize energy efficient structures and LED lighting, and motion sensors will be used in appropriate locations to avoid lighting areas that are not in use. ~~In addition, the building structures will be designed to support roof-top solar panels to be installed in accordance with market demands. While solar panels are not proposed at this time, installation of panels in the future will be required to obtain all necessary permits and approvals.~~

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Based on the foregoing, ~~it is the Applicant's opinion that the~~ Project is not anticipated to have any significant adverse impacts on ~~energy~~. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on energy.

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6.15 Impact on Noise, Odor, and Light

As discussed in detail below, the Project will not result in any significant adverse impacts to noise, odor, or light.

Noise

The Project is located at the intersection of a major transportation and travel corridor next to I-84, NYS Route 300 and I-87. Given this location the Site is dominated by distant vehicle noise on these highways at all hours of the day. Also, to the west, the Site is located adjacent to a heavy commercial corridor along NYS Route 300 and is located across the street from the Newburgh

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Mall. In addition, the Site is located in close proximity to Stewart International Airport and near the flight path for the airport. As a result, it experiences intermittent high-level sound from aircraft activity. Lastly, residential neighbors are located adjacent to the Project Site to the northeast, west and south (on the opposite side of I-84).

To evaluate any potential impacts from the Project’s construction and operational noise (after construction), an Evaluation of Site Sounds Emissions was prepared by Ostergaard Acoustical Associates and dated May 14, 2021 (the “Sound Study”). **See Appendix 18, Sound Study.** The Sound Study focused on evaluating the potential sound impacts to adjacent residential receptors from the Project. Future site sound emissions were compared to the Town of Newburgh noise code limits and NYSDEC guidelines.

The Project’s layout was designed so that trucks, cars, and HVAC sound emissions will comply with the Town of Newburgh noise law and the NYSDEC noise standards, at nearby residences and would minimize any acoustical impacts of the Project. To that end, the Project will be significantly farther away from nearby noise-sensitive residential receptors than the Ridge Project. **See Appendix 18, Sound Study.** We note that while the Ridge Project proposed truck activity and loading docks to be located as close as 150 feet to nearby residences to the northeast, this Project pulls truck activity and loading dock activity farther back from these residences to distances of 400 feet or more further reducing possible impacts.

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The Project’s Sound Study evaluated potential sound impacts from both the construction of the Project as well as its operations after construction. With respect to operational noise, the Sound Study concluded that from six (6) location points, including those along the nearby property lines, the average sound levels from the Project fully comply with the Town Code requirements for sound levels at residential properties, which are not to exceed 56 dB(A) at night and 65 dB(A) during the day, provided a sound wall was constructed on the east side of Warehouse A. These limits are also compliant with NYSDEC guidelines for Project noise. Project background sound levels contributed by steady HVAC sound will increase existing background ambient sound levels by no more than 3 dB. Maximum site sound levels will be up to 55 dB(A) which fully complies with the nighttime Town noise code limit and will increase existing intrusive sound levels by 2-to-4 dB. Changes of this magnitude will result in no negative acoustical impact per NYSDEC guidelines. **See Appendix 18, Sound Study.**

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To mitigate any operational noise to the residential neighborhood to the northeast, the Project plans propose the construction of a 10-foot-high sound wall approximately 520 feet in length to shield and reduce Project sounds along the northeast property line. **See Appendix 1, Site Plans.** These sound walls will be longer and set farther back from the residential properties than the sound wall proposed for the Ridge Project, further reducing noise and decreasing any aesthetic impacts caused when the wall was located near the residents’ property line as part of the Ridge Project. The details of the wall are included in the site plans.

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During construction, noise will be temporary and short duration. To minimize potential sound impacts from construction, the Sound Study recommended a number of possible mitigation measures. These measures will be employed during construction. In addition, the 2007 Findings

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Statement found that abutting residential properties would experience temporary elevated noise resulting from the construction, with the noisiest period being during site grading, rock crushing, blasting and transport/installation of concrete and building materials. **See Appendix 4, The Ridge Project Documents, 2007 SEQRA Findings Statement.** The Board determined that an environmental site monitoring program was necessary to ensure appropriate noise levels were being maintained during construction. The program included, among other things: (1) measuring and reporting on construction noise at various sensitive receptors at least twice per month, including during rock crushing operations; (2) limiting construction access to via NYS Route 300 only; and (3) reporting noise levels from rooftop HVAC units. **See Appendix 4, The Ridge Project Documents, 2007 SEQRA Findings Statement.** The Board determined that, so long as these measures were satisfied, the noise impacts from construction activities would be temporary and intermittent. To ensure that any adverse impact from construction noise is mitigated to the maximum extent practicable, the Applicant will comply with the noise monitoring program previously approved by the Planning Board for the Ridge Project.

Based on the proposed mitigation measures (*i.e.*, construction sound monitoring, sound wall, and increased setbacks), any noise created by the Project, during or after construction, is expected to have little-to-no acoustical impact on adjacent properties and will fully comply with NYSDEC guidelines and the Town of Newburgh Code.

Lighting

The Project is located next to a heavy commercial corridor along NYS Route 300 and next to the NYS 300/I-84/I-87 interchange. This corridor contains a significant amount of existing lighting both along the highways and on commercial property. Notwithstanding, the Project is not expected to increase the intensity of the existing lighting conditions in this area.

New, modern, energy-efficient dark sky compliant lighting complying with current industry standards will be utilized throughout the Project Site. Exterior lighting has been designed to be minimal while ensuring a safe and secure facility. All proposed lighting will be downward facing and will minimize sky glow and light pollution from the Project Site. No lights will shine onto neighboring properties. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. The fixture locations have been sited to minimize light trespass onto adjacent properties, including the residential properties to the northeast of the Project Site. These measures have been incorporated to minimize otherwise potential adverse impacts from site lighting of the warehouses and parking facilities. A photometric plan has been prepared to demonstrate that little to no light will spill off the Project Site onto surrounding property. **See Appendix 1, Site Plans, Lighting Plan.** In addition, the Project Site is at a substantially lower elevation than the residents to the northeast with intervening vegetation and a sound wall which will further reduce the likelihood that Project lights will be visible from that neighborhood.

The 2007 SEQRA Findings Statement concluded that Ridge Project was “designed to use the large retail structures on the north side of the site to block traffic noise and light pollution.” **See Appendix 4, The Ridge Project Documents, 2007 SEQRA Findings Statement, at I(D)(7).** In

addition, the Ridge lighting plan was “designed to avoid spill-over along the site’s northerly border abutting a residential neighborhood located along Hilltop Avenue.” We note that, as compared to the Ridge Project, this Project has increased the setbacks from residential property lines to the north, further mitigating any potential adverse impacts from light. *See Appendix 1, Site Plans.*

Odor

The Project will not have any significant adverse impacts on odor. Any odor impacts during construction caused by trucks or other construction vehicles will be temporary and of short duration. The Project Site is not proposed to be developed as a manufacturing or processing facility or other high intensity use that causes large quantities of odorous air emissions during operations.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, it is the Applicant’s opinion that the Project is not anticipated to have any significant adverse impacts on odor or light. Any sound impacts will be adequately mitigated by a sound wall, setbacks from the property lines and the other measures outlined in the Sound Study and 2007 Findings Statement. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on noise, odor, and light.

6.16 Impact on Human Health

No significant impacts to human health are anticipated from the Project because all construction and operational activities will be undertaken in accordance with and in compliance with all pertinent environmental and land development regulations and related permit and approval procedures and requirements. The Project will be serviced by municipal water and sewer and no septic system will be used. The Project Site is not a hazardous waste site and will not manufacture hazardous materials. The Project is not located near a school, hospital, group home or nursing home. There are no institutional controls limiting the use of the property. The Project is not a solid waste management facility and will not significantly increase the generation of solid waste in the community or overburden any solid waste management facility.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, it is the Applicant’s opinion that the Project is not anticipated to have any significant adverse impacts on human health. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on human health.

6.17 Consistency with Community Plans

It is the Applicant’s opinion that the Project will not have any significant adverse impact on community plans. As discussed in greater detail below, the Project plans are consistent with the Town of Newburgh Zoning Code, Town Comprehensive Plan, and the Orange County Comprehensive Plan.

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Town Zoning Code

The Project is located at the intersection of NYS Route 300/I-84/I-87 with other commercial uses situated adjacent to and across the street from the Project Site. Development of the Project Site is consistent with the surrounding community character and land use regulations set forth in the Town of Newburgh Zoning Law. Specifically, the Site is located in the IB zone which permits warehouse/distribution center uses, subject to Planning Board approval. Furthermore, the Project meets with the site plan review criteria established by the Town.

In addition, as mentioned above, the Project will be fully compliant with all area and bulk regulations set forth in the Zoning Code and therefore no variances will be required.

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Town of Newburgh Comprehensive Plan

The Town of Newburgh Comprehensive Plan Update (the “Comprehensive Plan”) was adopted in October 2005. The Comprehensive Plan discusses the following recommendations:

- 1) “Promote growth that will take advantage of Newburgh’s economic potential. For example, businesses that will provide new opportunities to existing industries should be encouraged.” *See* Comprehensive Plan, at III-45.
- 2) “Focus growth on those areas more readily accessible to the regional highway system.” *See* Comprehensive Plan, at III-18.
- 3) “Promote the creation of higher wage jobs in a variety of sectors, not just retail.” *See* Comprehensive Plan, at III-45.

The Project is consistent with the above Comprehensive Plan principles. First, the Project will take advantage of economic opportunities within the Town and provide new jobs, goods, and services to local residents and businesses.

Second, as stated above, the Project Site is conveniently located at the intersection of NYS Route 300/I-84/I-87 with easy access to the highway system. Truck and car traffic will not require extensive travel on local roadways to access the Project Site. ***See Appendix 17, Traffic Impact Study.*** This is consistent with Recommendation #2 listed above.

Finally, as described in more detail below, the Project will create hundreds of jobs for the Town and the region. These jobs will range from managerial positions to loading and receiving positions and will provide a range of salaries. ***See Appendix 19, Fiscal Benefits, below.***

We also note that the 2007 SEQRA Findings Statement determined that the Ridge Project was consistent with the 2005 Comprehensive Plan because it focused “more intense development in the areas that can support higher density, where transportation corridors and public utilities are available, while planning to protect and enhance the existing community character.” ***See Appendix 4, The Ridge Project Documents, 2007 SEQRA Findings Statement, at Section II(E).*** For the reasons stated above, those same principles apply to Matrix’s Project.

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Orange County Comprehensive Plan

According to the 2019 Orange County Comprehensive Plan, the Project Site is located in a Priority Growth Area. See Orange County Comprehensive Plan, at 22. Within these Priority Growth Areas, the County encourages commercial, appropriate industrial, high-density residential, and community service uses. *Id.* at 17. Development plans in these areas should consider the following, among other factors: (1) centralized water and sewer; (2) existing municipal plans for development; and (3) availability for services and infrastructure that allow for efficient use of land and relatively low-impact development. *Id.*

The Project meets all of the above objectives for development in a Priority Growth Area. First, centralized water and sewer are available and, as stated above, the Town and City of Newburgh have sufficient capacity to accommodate the Project. Second, the Project is consistent with Town’s land use and development plans and patterns and complies with the zoning requirements for the Project Site. Finally, the Project Site is located nearby major interstates and State roads and is supported by sufficient infrastructure.

In the 2007 SEQRA Findings Statement, the Planning Board determined that the Ridge Project was consistent with the County Plan because it would “concentrate development in areas well served by utility and transportation infrastructure” and maintain “enough growth in the tax base to help fund the increasing demands for services without raising taxes.” **See Appendix 4, The Ridge Project Documents, 2007 SEQRA Findings Statement, at 22.** As stated above, the same reasoning applies to Matrix’s Project.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, ~~it is the Applicant’s opinion that the~~ Project is not anticipated to have any significant adverse impacts on community plans. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on community plans.

6.18 Consistency with Community Character

As stated above, the Project will be consistent with the existing community character and surrounding land uses. The Project will be located across the street from the Newburgh Mall, a large shopping mall, and adjacent to other types of commercial uses, including restaurants, a gas station, and retail stores along NYS Route 300. **See Appendix 20, Aerial Photos.** The Planning Board had previously approved 850,000 sf of retail stores on the Site. ~~That approval was amended to reduce the size of the retail project to 700,000 sf. This amended approval remains valid today.~~ In addition, the Project is zoned for commercial/industrial uses by the Town for precisely the types of uses proposed as part of the Project. The Project is located near a number of other warehouses and distribution centers located close to the I-84/I-87 interchange. They include Amerisource Bergen, Amscan, Pepsico, A. Duie Pyle, C&S Grocers, F.W. Webb Co., to name a few. The Site was previously cleared and developed and looks like a large unfinished construction site.

Furthermore, the Project will benefit the neighboring properties located to the east, as compared to what was proposed for the Ridge Project. For example, the Ridge Project proposed an access

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road through the residential neighborhood along Brookfield Drive. The Matrix Project no longer needs this road and will not disturb this neighborhood in anyway. Access to the stormwater basin located to the east of Building A will now be accessed by a gravel driveway from NYS Route 300, thereby eliminating the need for a similar road through the residentially zoned parcels as proposed by the Ridge Project. Therefore, these impacts to neighbors from the Ridge Project will be mitigated by the changes proposed by Matrix's Project.

Based on the foregoing, and after a review of the Project changes compared to the Ridge Project, ~~it is the Applicant's opinion that the~~ Project is not anticipated to have any significant adverse impacts on community character. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on community character.

6.19 Fiscal Benefits

Lastly, it should be noted that the Project will generate significant new application fees and tax revenues for the Town, the local school district and other taxing jurisdictions. **See Appendix 19, Fiscal Benefits Analysis.**

The Project will generate sizeable annual property tax revenues under the RPTL 485-b tax program. Over the next 12 years by 2033, the Project will generate approximately \$33,305,558 in real property tax revenues to be divided between the Town, County and other taxing jurisdictions. **See Appendix 19, Fiscal Benefits Analysis.** The Newburgh Enlarged City School District will receive the largest portion of these revenues without any impacts on the school district because no school children will be created by the Project, and therefore, no school costs are anticipated.

Furthermore, the Project will generate sizeable one-time fees of approximately \$750,000.00 for the Town. These fees will be paid to the Town for the site plan, lot-line change, and building permit application fees required for the Project. **See Appendix 19, Fiscal Benefits Analysis.** In addition, the Project will generate approximately \$2,000,000 in sales tax revenue from taxable construction goods and services and other operational equipment. These taxes will benefit New York State, Orange County, and the Town.

Construction of the Project is anticipated to provide between 200 and 400 construction jobs. In addition, during operations, the Project will provide between 400 and 1,000 permanent jobs with employees working in managerial, supervisory, safety, security, information technology, human resources roles, handling, and transportation roles, among others. **See Appendix 19, Fiscal Benefits Analysis.** These new jobs will help boost the local and regional economies as new workers spend money in the area and patronize local businesses.

Finally, the Project will not have any significant adverse impacts on community services, such as fire and police protection. The Project has been designed to comply with all applicable building and fire codes. Adequate emergency access drives will be constructed. The building will contain a fire suppression system including sprinklers. The Project will have centralized, private security during its operations, and the sizable property tax revenues generated by the Project will more than offset any costs associated with additional demands for fire or police services.

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Based on the foregoing, it is the Applicant's opinion that the Project is anticipated to create a variety of significant fiscal benefits for the Town, County, and State.

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7 CONCLUSION

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Based on the factors discussed above, and after a review of the Project compared to the Ridge Project and its associated SEQRA Findings Statements, it is the Applicant's opinion that the Project is not anticipated to have any significant adverse environmental impacts. In fact, many of the elements of the Project will be more protective of the environment than what was previously reviewed and approved for the Ridge Project. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts. Accordingly, it is the Applicant's opinion that an SEIS is not warranted, and the Planning Board may consider an Amended Findings Statement based on the previously issued Findings Statement for the Ridge or, in the alternative, a Negative Declaration as discussed above.

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**Matrix Logistics Center at Newburgh
Town of Newburgh, New York**

SEQRA Mitigation Measures – Comparison Chart
August 2021

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The chart below outlines the State Environmental Quality Review Act ("SEQRA") mitigation measures required by the Planning Board for the previously approved Ridge Project (aka the Marketplace and the Loop) to avoid or minimize adverse environmental impacts to the maximum extent practicable. This chart discusses whether these mitigation measures will be necessary to avoid or minimize adverse environmental impacts from the Matrix Logistics Center at Newburgh ("Matrix Logistics Center"). [The proposed mitigation measures for the Matrix Logistics Center project are subject to the lead agency and involved agency determination.](#)

SEQRA FINDINGS STATEMENT 5-03-2007

The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<i>Geology, Soils and Topography Mitigation (P. 12-13)</i>		
1) On-site disturbance limitations and compliance with the detailed sedimentation and erosion control and phasing plan in accordance with NYS Dep't of Environmental Conservation ("NYSDEC") requirements.	Yes.	New limits of disturbance will be created for the new Matrix Logistics Center and include a sedimentation and erosion control plan in compliance with all updated NYSDEC requirements. The Matrix Logistics Center will comply with the current NYSDEC stormwater regulations which provide more stringent stormwater control measures and are more protective of the environment.
2) Obtain a NYSDEC water quality certification ("WQC") permit.	No.	The existing WQC permit for The Ridge is only required for ongoing work related to the existing U.S. Army Corps of Engineers ("ACOE") wetland permit. All ACOE permitted wetland work (e.g., fill) was completed prior to the Matrix Logistics Center approval and therefore a NYSDEC WQC permit is not required.
3) Disturbance limited to five acres at any time unless NYSDEC waiver is obtained.	Yes.	The Ridge received a 5-acre waiver and the same will be requested by Matrix.
4) Compliance with all NYSDEC conditions.	Yes.	Matrix Logistics Center will comply with all of the requirements of the NYSDEC

The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
5) Posting of an erosion control inspection security with the Town of Newburgh for periodic site review.	Yes.	SPDES General Permit for Stormwater Discharges from Construction Activity. Matrix will post an erosion control inspection security with the Town of Newburgh for periodic site review. The amount of this security will be in accordance with the Town requirements.
<i>Wetlands Mitigation (P. 13-14)</i>		
1) Project design mitigates impacts to wetlands and related habitats.	Yes.	All wetland mitigation for The Ridge project was completed in the Spring of 2018. The Matrix Logistics Center will not result in further anticipated impacts and therefore additional mitigation is not required.
2) The construction of more than two acres (appx. 2.17 acres) of new wetland areas, properly designed and monitored.	Yes.	See above – the required mitigation areas were constructed and are currently in the monitoring period.
3) Proposed stormwater detention basins will be planted to function as wetlands and these ponds will become a de facto part of the adjacent existing wetland regime.	Yes.	Proposed stormwater management basins for the Matrix Logistics Center will be designed and constructed in accordance with the most recent NYSDEC stormwater requirements. This includes modifying the previously constructed detention basins as part of the Ridge Project to conform with the current NYSDEC regulations.
4) Wetland A is USACOE regulated and any impacts will comply with all USACOE permitted requirements.	Yes.	All wetland mitigation for the Ridge Project was completed in the Spring of 2018 pursuant to the existing ACOE permit. The Matrix Logistics Center will not result in further anticipated impacts and therefore additional mitigation not required.
5) Isolated Wetland B and C impacts mitigated by the creation of stormwater basins, with naturalistic landscaping that will be integrated with and function as wetlands.	Yes.	Wetland B and C were designated as isolated and filled pursuant to The Ridge approvals. Stormwater basins will be completed and upgraded pursuant to NYSDEC current requirements.
6) Project Erosion Control Plan (“ECP”) and the stormwater management	Yes.	A new ECP will be created for the Matrix Logistics Center. The new ECP will be more protective of the environment

The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
practices mitigates impacts to wetlands and related habitats.		because it will comply with new NYSDEC requirements.
7) The stormwater management practices shall be based on NYSDEC standards and compliance with the Clean Water Act regulations for water quality and quantity.	Yes.	New stormwater management practices will be created for the Matrix Logistics Center. The new stormwater management practices will be more protective of the environment because it will comply with new NYSDEC requirements.
8) Treated water at the design discharge points will meet or exceed the most stringent standards of the NYSDEC Design Manual.	Yes.	The treated water at the newly established design discharge points for the Matrix Logistics Center will meet or exceed the new standards of the NYSDEC Manual and therefore be more protective of the environment.
<i>Terrestrial and Aquatic Ecology Mitigation (P. 14-19)</i>		
1) A mitigation plan was created to protect species of special concern located during construction, combined with barrier fencing along the flood plain and jurisdictional wetland (although no rare or endangered species found).	Yes.	Development of the Matrix Logistics Center will comply with all Federal, State, and local requirements for the protection of rare or endangered species, although it is unlikely that any rare or endangered species exist on the site. Barrier fencing around the jurisdictional wetlands will be implemented.
2) The erosion control plan (“ECP”) and stormwater management practices mitigate potential terrestrial and aquatic ecology impacts.	Yes.	A new ECP will be created for the Matrix Logistics Center. The new ECP will be more protective of the environment because it will comply with new NYSDEC requirements.
3) A “pre-construction confirmatory protocol” for Indiana Bats will be contracted for by “a knowledgeable specialist acceptable to the Town’s environmental consultant to specifically designate any trees within the limits of disturbance that may have significant potential for Indiana bat use. Trees most likely to support bats will be felled outside of the bat roosting season (which is generally May 15 through August 15) to ensure	Yes.	The vast majority of the project site has been cleared by the prior owners pursuant to The Ridge approvals. Approximately 4.9 acres of additional land needs to be cleared for the Matrix Logistics Center. Clearing of these small additional wooded areas is not expected to adversely impact threatened, endangered, or rare plant animal species.

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
trees will not be cut down while being used by Indiana bats.”		
4) “Approximately 15.8 acres of the site will remain undisturbed in areas to avoid to the extent practicable the wetlands in the western and northern portions of the site and the steep slopes in the eastern portion of the site, in the area of the South Plank Road (NYS Route 52) easterly access drive. Undisturbed wooded blocks as large as 4.5 acres will be preserved.”	Yes.	Approximately 29.3 acres of the site will remain undisturbed and the Project will avoid the wetlands in the western and northern portions of the site and the steep slopes in the eastern portion of the site, in the area of the South Plank Road (NYS Route 52) easterly access drive.
5) “Combined with the proposed storm water basins, wetland mitigation areas and vacant off-site parcels, approximately 52.5 acres of open space will remain in the immediate area of the project site following development. The largest area of contiguous open space will be at least 17.5 acres.”	Yes.	Combined with the proposed storm water basins, wetland mitigation areas and vacant off-site parcels, approximately 65 acres of open space will remain on the site including revegetated areas.
6) “Large culverts will be installed to connect the proposed wetland mitigation areas with existing site wetlands to allow movement of amphibians and reptiles between these areas.”	Yes.	These culverts were installed as part of the Ridge Project and will be maintained as part of the Matrix Logistics Center. No further impacts are anticipated and therefore no further mitigation is required.
<i>Water Resources Mitigation (P. 19-21)</i>		
1) The Project’s design and operation will minimize disturbance to wetlands and thus mitigate any potential impacts to water resources.	Yes.	All wetland mitigation for The Ridge Project was completed in the Spring of 2018 pursuant to the existing ACOE permit. The Matrix Logistics Center will not result in further anticipated impacts and therefore additional mitigation not required.
2) Preparation and implementation of the SWPPP that complies with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity GP-02-01.	Yes.	A new SWPPP will be created for the Matrix Logistics Center. The new SWPPP will be more protective of the environment because it will comply with new NYSDEC requirements for SPDES General Permit

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
		for Stormwater Discharges from Construction Activity GP-02-01.
3) The final stormwater management plan shall conform to Chapter 157 of the Town of Newburgh Code. A comprehensive Erosion Control Plan (“ECP”) will be implemented to mitigate potential impacts to receiving wetlands and streams.	Yes.	A new SWPPP will be created for the Matrix Logistics Center will be in compliance with Chapter 157 of the Town of Newburgh Code.
4) The implantation of the blasting/well monitoring protocol and compliance with the Town’s blasting ordinance.	Yes.	The Matrix Logistics Center will comply with all requirements of the blasting/well monitoring protocol approved by the Planning Board for The Ridge Project in addition to compliance with all up-to-date NYSDEC and Town requirements.
<p>The blasting/well monitoring protocol shall include at least the following provisions:</p> <p>a. Identification of those wells belonging to residents that might be affected by construction blasting activities.</p>	Yes.	<p>The blasting/well monitoring protocol shall include the following provisions:</p> <p>a. Identification of those wells belonging to residents that might be affected by construction blasting activities.</p>
b. Notification to the owners of those properties identified of the remediation offered under the protocol.	Yes.	b. Notification to the owners of those properties identified of the remediation offered under the protocol.
c. Pre-construction studies of the wells of all property owners agreeing to be covered by the protocol [Wells within 500 feet of areas of proposed blasting will be located and surveyed (size, location, depth), if they are not buried, with permission of property owners].	Yes.	c. Pre-construction studies of the wells of all property owners agreeing to be covered by the protocol [Wells within 500 feet of areas of proposed blasting will be located and surveyed (size, location, depth), if they are not buried, with permission of property owners].
d. Installation (for those property owners opting in) of data loggers in the wells to ascertain pre-blasting, blasting and post blasting operating conditions. [Data loggers measures the static	Yes.	d. Installation (for those property owners opting in) of data loggers in the wells to ascertain pre-blasting, blasting and post blasting operating conditions. [Data

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>water level in the well and is the best evidence of potential geologic changes that would affect increasing or decreasing flows into the wells]. The information from the data loggers will be downloaded weekly by a hydrogeologist and the results will be provided to the town on a weekly basis.</p>		<p>loggers measures the static water level in the well and is the best evidence of potential geologic changes that would affect increasing or decreasing flows into the wells]. The information from the data loggers will be downloaded weekly by a hydrogeologist and the results will be provided to the town on a weekly basis.</p>
<p>e. The Developer's contract with its blasting contractor shall specify maximum peak particle velocity permitted at the property line. [Maintaining peak particle velocity at under 2 inches per second, has been found by Federal Agencies, to provide ample protection to structures as a result of blast vibration]. Seismographs will be set up at the property line to monitor blasting vibration and the results of seismograph data will be submitted to the town engineer and retained hydrogeologist on a weekly basis.</p>	Yes.	<p>e. The Developer's contract with its blasting contractor shall specify maximum peak particle velocity permitted at the property line. [Maintaining peak particle velocity at under 2 inches per second, has been found by Federal Agencies, to provide ample protection to structures as a result of blast vibration]. Seismographs will be set up at the property line to monitor blasting vibration and the results of seismograph data will be submitted to the town engineer and retained hydrogeologist on a weekly basis.</p>
<p>f. Before blasting begins the Developer shall either locate and obtain the right to utilize a suitable well within the neighborhood or shall drill an acceptable well on its own site, which well shall be utilized for emergency connections of any neighboring well determined to have been adversely affected by blasting activities.</p>	Yes.	<p>f. Before blasting begins the Developer shall either locate and obtain the right to utilize a suitable well within the neighborhood or shall drill an acceptable well on its own site, which well shall be utilized for emergency connections of any neighboring well determined to have been adversely affected by blasting activities.</p>
<p>g. A well driller will be on-call during periods of blasting that occurs within 500 feet of the residential property line of the project site. In the event of a well failure, the well driller will</p>	Yes.	<p>g. A well driller will be on-call during periods of blasting that occurs within 500 feet of the residential property line of the project site. In the event of a well</p>

The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
initially tie into the designated operating well within the neighborhood, or on the subject site, the distressed residential water supply. This will provide a water supply within 12 to 24 hours of any impact. The well driller will then pull the pump on the affected well and drill the well deeper, or alternatively drill a new well on the affected property and tie it into the residential home, at no cost to the residential well owner.		failure, the well driller will initially tie into the designated operating well within the neighborhood, or on the subject site, the distressed residential water supply. This will provide a water supply within 12 to 24 hours of any impact. The well driller will then pull the pump on the affected well and drill the well deeper, or alternatively drill a new well on the affected property and tie it into the residential home, at no cost to the residential well owner.
h. In the event that an acceptable water supply cannot be found onsite, the Developer will develop an alternative water supply offsite with appropriate easements and extensions to the affected property owner. If this option is non-workable the Developer will pay for the costs to extend town water to the affected site. A bond will be placed with the town covering the costs of that extension.	Yes.	h. In the event that an acceptable water supply cannot be found onsite, the Developer will develop an alternative water supply offsite with appropriate easements and extensions to the affected property owner. If this option is non-workable the Developer will pay for the costs to extend town water to the affected site. A bond will be placed with the town covering the costs of that extension.
i. Appropriate and acceptable durational limitations for performance and bonding shall be included in the protocol.	Yes.	i. Appropriate and acceptable durational limitations for performance and bonding shall be included in the protocol.
5) The Developer will provide a bond to guarantee and secure performance of the blasting protocol above.	Yes.	The Developer will provide a bond to guarantee and secure performance of the blasting protocol above. <u>In addition to posting the bond, the Applicant will contact all property owners with the impacted area to confirm their desire to participate in the monitoring program.</u>
6) Regarding the potential impact to the recharge of local wells, the applicant is including the use of pervious pavement in those parking areas immediately to the east and west of	No.	The Matrix Logistics Center limit of disturbance is approximately 340' further away from the residential properties than the Ridge Project proposed. This greater

The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
Buildings C and D, an area of more than four acres. Final design, maintenance plan and cross section of the pervious pavement will be reviewed and approved during the final site plan review. [Note: This was eliminated by the Second Amended Findings Statement].		separation provides sufficient safeguards to protect these wells and the surrounding recharge area. Therefore, no further mitigation is required.
7) Provisions made to allow for the infiltration of stormwater into the landscaped islands to provide water to trees and shrubs within these islands.	Yes.	The Matrix Logistics Center has incorporated similar landscape islands and bioretention areas to allow infiltration of stormwater runoff into ground. This provision for infiltration is part of the NYSDEC requirements.
<i>Zoning and Surrounding Land Use Mitigation (P. 21-23)</i> 1) No impacts/mitigation required.	N/A	The proposed distribution center warehouse use is permitted in the Town's IB Zoning District and the Matrix Logistics Center is designed to fully conform to the IB zoning requirements.
<i>Traffic and Transportation Mitigation (P. 23-28)</i> 1) Three new signalized access points to the site will be handled up to 850,000 sf of development. These access points are: (1) NYS Route 300 across from the main access drive for Newburgh Mall; (2) NYS Route 52 and Meadow Lane; and (3) NYS Route 52 and 5 th Avenue.	<u>Modified.</u>	The project will be supported by one new signalized access point located on Route 300 across from the main access drive for Newburgh Mall. A traffic study has been prepared for the Matrix Logistics Center at Newburgh. The study shows that the Matrix Logistics Center will generate substantially lower peak hour and daily traffic and will require only one access point (on NYS Route 300 across from the main access drive for Newburgh Mall) of the three access points required for the Ridge.
2) Re-grading and paving on Route 52 will be completed south of the existing traffic signal at Meadow Avenue to alleviate drainage problems at that location.	No.	The Logistics Center does not propose or require a full access road from the Site on Route 52. Access to Route 52 from the site in the form of a gravel emergency access drive is provided and only intended for emergency vehicles. The emergency access road will be gated at its connection with Route 52. The Matrix project will add less than 25 vph in the peak direction along Route 52 during the peak roadway

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
		hours which does not warrant the need for improvements.
3) A Traffic Management Plan will be implemented prior to the issuance of any certificates of occupancy to alleviate traffic congestion during the holiday peak season.	No.	The Logistics Center does not have the peak seasonal shopper traffic increases that typically occur with the prior approved shopping center. Accordingly, and based on the capacity of the internal traffic circulation roads and the nature of the proposed use, impacts during holiday seasons are not anticipated and therefore a specific traffic management plan for this purpose is not required. Overall, the Matrix project will generate significantly less peak hour and daily traffic and will have significantly reduced traffic impact on the surrounding road system. The project is being designed to accommodate that would be inclusive of seasonal variation.
4) With the following roadway improvements, acceptable levels of traffic service will be maintained for the Ridge project: a. A driveway design (as shown on plans) that will consist of four exiting lanes and two entering lanes and should align opposite the Newburgh Mall South Driveway approach. A separate right turn lane will be provided on the northbound and southbound approaches and signalization will also be provided.	Yes. Modified.	As indicated in the Traffic Study, significantly reduced traffic demands on the adjacent roadways during the peak hours and daily will be experienced as compared to prior approvals for a shopping center. Accordingly, some of the prior improvements are no longer required and those that are will be constructed as follows: A driveway design that will consist of three exiting lanes and two entering lanes and should align opposite the Newburgh Mall South Driveway approach. A separate right turn lane will be provided on the northbound approach. A traffic signal will be provided to control traffic at this intersection.
b. Intersection of NYS Route 52 and Meadow Avenue/Powder Mill Road – Improvements will be required at this intersection	No.	Direct Access to Route 52 is not proposed and the project generates very little peak hour traffic demands on Route 52, accordingly, coincident with the

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
regardless of the proposed development. The applicant is proposing the construction of a roundabout at this location.		significant reduction in peak hour and daily traffic generation, no roadway mitigation measures are warranted.
c. Traffic calming improvements will be designed and implemented on Powder Mill Road in the area of the park to ensure pedestrian safety.	No.	Based on the anticipated traffic patterns for the Logistics Center, which directs all traffic to Route 300, the need for traffic calming improvements associated with the previously projected higher hourly and daily shopper traffic is eliminated.
d. New access drive will be constructed opposite 5th Avenue – Will include two exiting and one entering lane and a traffic signal. Further, Route 52 will be widened to provide a separate left turn lane northbound to accommodate traffic entering and exiting the site.	No.	The Logistics Center does not propose or require an access drive onto Route 52, therefore no additional mitigation is required.
e. Existing traffic signals at the Exit 8 I-84 ramps will be upgraded and interconnected with the signal at Fifth Avenue and the proposed NYS Route 52 driveway access. I-84 westbound off ramp will have to be widened to include additional length on the right turn lane approaching the NYS Route 52 intersection and back-of-queue detectors. The southbound approach of Route 52 will be widened to provide a separate right turn lane.	No.	Based on the significantly reduced peak hour and daily/ weekend traffic generation associated with the Logistics Center, access to the project site is adequately provided with the driveway only from Route 300. Based on the Traffic Study, minor additional traffic is projected to travel through the Exit 8 interchange, accordingly, the prior identified improvements are no longer required.
f. The adjacent existing traffic signals along NYS Route 300 to be interconnected including: intersections of NYS Route 300 at Route 52, Stop & Shop Plaza, Meadow Avenue/Meadow Hill Road, the existing Newburgh Mall north driveway, the proposed Newburgh Mall south driveway/site access, and	<u>Modified.</u>	Based on the Traffic Study for the Logistics Center, the proposed new traffic signal will be coordinated with the traffic signals at <u>Route 52, Stop & Shop plaza</u> , Meadow Hill Road/ Meadow Avenue and at Newburgh Mall north. As the I-84 ramps operate on a significantly different cycle length; coordination will not include those intersections. The Traffic Study identifies minor signal timing adjustments for the I-84 exit ramps that may be

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
coordination with the planned new signalization of the I-84 exit ramps.		implemented subject to NYSDOT approval to optimize the signal operations at the ramp terminals.
g. The Newburgh Commons Driveway – The applicant has agreed to provide a right of way on the north side of the outbound access road to Route 300 up to the adjacent shopping center (CB Driscoll's) property line for future access to Newburgh Commons site.	No.	Since the proposed use is a logistics center and not a shopping center, providing an interconnect from the CB Driscoll's center is no longer warranted.
h. Intersection of NYS Route 52 and NYS Route 300 – Improvements will be required at this intersection regardless of the proposed development. The Developer shall make a fair-share contribution towards these improvements including providing an additional traffic study and contribute to construction, not to exceed \$50,000.	Yes	Based on the Traffic Study <u>the project has a current significantly reduced impact on this intersection and other than signal coordination no proposed construction is proposed. The applicant will contribute towards future improvements based on a Fair Share to be determined not to exceed \$50,000.</u>
i. All of the study area intersections requiring signal coordination, upgrades, and or modifications will also include the installation of emergency vehicle pre-emption along with the necessary in-vehicle equipment.	Modified.	The design of the new signal will include the requested emergency vehicle pre-emption and emergency vehicle preemption will also be installed at the NYS Route 300 at Meadow
5) The applicant shall deposit with the Town the sum of \$30,000, which the Town shall use to implement a Traffic Monitoring Program. The Program shall include the following:	Modified.	Avenue/Meadow Hill Road and the existing Newburgh Mall North Driveway Applicant agrees to fund upon request a post development monitoring study, if necessary, not to exceed \$30,000.
a. Check existing traffic volumes and distributions after the opening of approximately 400,000 SF, and after the opening of approximately every 225,000 SF after that, and	Yes.	

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
conclude no sooner than 1 year after the project is complete and open.		Check existing traffic volumes no sooner than 1 year after the project is complete and open.
<p>b. Record hourly traffic volumes on each site driveway and turning movement counts during the PM and Saturday peak hours.</p> <p>c. Determine the existing trip generation rate of the open and operating square-footage and driveway distributions and compare with the EIS projected traffic volumes or the ITE equivalent trip generation for the operating square-footage, recognizing that a 10% variation in site generated traffic at any particular site entrance shall be considered reasonable and shall not require additional study or mitigation.</p>	<p>Yes.</p> <p>Yes.</p>	<p>Record hourly traffic volumes on the site access road and turning movement counts during the am and pm peak hours.</p>
d. Determine the adequacy of the proposed geometric improvements compared to the actual trip generation and distributions.	Yes.	
e. Recommend alternative or additional mitigation measures if deemed necessary.	Yes.	
<p>f. Summarize the monitoring program results and provide the report to the Town, NYSDOT, Thruway Authority, and applicant.</p>	Yes.	
6) Internal traffic will use the through road from Route 300 to Route 52 at Fifth Avenue, with a new intersection connecting the Meadow Ave access. The new intersection will be	No.	

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
signalized when internal volumes warrant it.		The proposed Logistics Center will only include main access to Route 300 and emergency access to Route 52. No.
a) A traffic signal maintenance company will be on retainer to adjust signal timings, replace signal indications and perform any additional maintenance deemed necessary by the developer or by the Town.	N/A	internal signalized intersections on the private road are proposed or required.
b) The site will be monitored for additional signalization and/or traffic calming measures as site build out occurs. This monitoring may be initiated by the developer or by a request from the Town.	N/A	
<i>Community Services and Socioeconomics Mitigation (p. 28-31)</i>		
1) Property Taxes - \$2.5 million property tax increase (2005 rates).		The proposed property tax resulting from the Matrix Logistics Center will be approximately \$33 million over the first 10 years based on the NYS RPTL 485-b real property tax program.
2) Sales Tax - \$40 million in sales taxes revenue to New York State, Orange County, and the Metropolitan Commuter Transportation District. The Town is expected to receive \$278,000 in sales tax revenue.		The Matrix Logistics Center will result in an increase of sales tax revenue to the State, County, and Town.
3) Construction Employment – 1,000-person years of construction employment.		The proposed construction employment resulting from the Matrix Logistics Center will be 200-400 people.
4) Long Term Employment – 1,600 long-term employment positions.		The proposed long-term employment resulting from the Matrix Logistics Center will be 400-1,000 employees.
5) All new water and sewer mains will be installed at the developer’s expense with no expense to the Town.		All new water and sewer mains will be installed at the developer’s expense with no expense to the Town.

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
6) Sufficient water and sewer capacity exists to serve the Ridge project.		The proposed Matrix Logistics Center will have less demand for water and sewer than the Ridge Project because fewer consumers will access the site.
7) The Developer will enter into an agreement with the Town requiring repair of damage to personal or real property of adjacent homeowners caused by construction of The Ridge project.		Matrix will enter into the same agreement with the Town of Newburgh.
<i>Noise Mitigation (P. 31-33)</i>		
Construction Noise		
1) Noise impacts during construction will be temporary and intermittent.	Yes.	Sound impacts during construction will be temporary and intermittent.
2) The site plan has been developed to create a cut and fill balance, utilizing onsite crushed rock, so that no off-site fill material will need to be brought to the site.	Yes.	Matrix's site plan has been developed to create a cut and fill balance, utilizing onsite crushed rock, so that no off-site general fill material will need to be brought to the site.
3) The applicant has committed to locating rock crushing operations a minimum of 1,000 feet from sensitive receptors (i.e., residential homes), where the generated noise is expected to be lower than Town requirements.	Yes.	The applicant has committed to locating rock crushing operations a minimum of 1,000 feet from sensitive receptors (i.e., residential homes), where the generated sound is expected to be lower than Town code requirements.
4) Sequencing the construction within a short two to three-year timeframe.	Yes.	Construction is anticipated be completed by the 3 rd quarter of 2022 and is intended to be completed in one phase.
5) Limiting all construction access to the NYS Route 300 access.	Yes.	Limiting all construction access to the NYS Route 300 access.
6) Providing onsite parking for all construction vehicles and employees.	Yes.	Providing onsite parking for all construction vehicles and employees.
7) Limitation of construction to the hours of 7 AM to 7 PM.	Yes.	Matrix will abide by all construction hours cited in the Town Noise Code.

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
8) The installation of sound barrier fencing as soon in the process as grading and blasting allow.	Yes.	The installation of sound barrier fencing as shown on the approved site plans as soon in the process as grading and blasting allow.
9) An environmental site monitoring program will be established by the Town and reimbursed for by the applicant to monitor noise to ensure that appropriate noise levels are being maintained. This will include:	Yes.	An environmental site monitoring program will be established by the Town and reimbursed for by the applicant to monitor sound to ensure that appropriate sound levels are being maintained. This will include:
a. Measure and report on construction noise levels at various sensitive receptors at least twice per month, except during times of inactivity.	Yes.	a. Measure and report on construction sound levels at various sensitive receptors at least twice per month, except during times of inactivity.
b. Measure and report on noise levels during rock crushing operations.	Yes.	b. Measure and report on sound levels during rock crushing operations.
c. Measure distance from rock crushing operations to verify 1000' buffer to sensitive receptors.	Yes.	c. Measure distance from rock crushing operations to verify 1000' buffer to sensitive receptors.
d. Verify compliance with work hour restrictions.	Yes.	d. Verify construction operations comply with the Town Noise Code.
e. Verify construction access is only via NY Route 300.	Yes.	e. Verify construction access is only via NY Route 300.
f. Measure and report on noise levels from rooftop HVAC Units.	Yes.	f. Measure and report on sound levels from rooftop HVAC Units.
g. Visually inspect all constructed noise attenuating devices or appurtenances including roof top measures.	Yes.	g. Visually inspect all constructed sound attenuating devices or appurtenances including roof top measures.
Operational Noise		
10) By limiting traffic speeds to 25 mph on site roads, noise from I-84 will continue to be the predominant noise source in this area. Signage limiting	Yes.	By limiting traffic speeds on site roads, noise from I-84 will continue to be the predominant noise source in this area.

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>speeds to 25 mph will be posted on site.</p> <p>11) The applicant proposes to limit truck access to the site to the Route 300 access, avoiding truck traffic in close proximity to Hilltop Avenue and Brookside Avenue.</p>	Yes.	<p>Signage limiting speeds will be posted on site.</p> <p>The Matrix project includes a single point of access from Route 300. This eliminates traffic from this project in the area of Hilltop Avenue and Brookside Avenue and reduces any acoustical impacts on these receptors.</p>
<p>12) The applicant has committed to exploring other options for noise attenuation from the rooftop and compactor units, including prefabricated sound barriers designed specifically for rooftop HVAC units.</p>	Yes.	<p>The Sound Study prepared for the Matrix Project includes sound barriers at strategic locations on the site to limit impacts on the sensitive receptors such as the residential units to the north of the site. The Sound Study concludes these mitigation measures limit noise levels to below those permitted by the Town's noise ordinance and that they will be equal to or below existing sound levels in the area. In addition, Building A of the Matrix Project is more than 340' further away from the residential area to the north than buildings for the Ridge Project</p>
<p>13) Building set-backs, access road locations and 10-foot tall sound barrier fence adjacent to the Hilltop Avenue and Brookside Avenue residences will further minimize or reduce noise impacts.</p>	Yes.	<p>Building set-backs and sound barrier walls will further mitigate sound impacts.</p>
<p>14) Complete noise avoidance is not possible in regard to noise impacts but the experts have concluded that the project will operate consistent with local noise codes given the mitigation measures noted above.</p>	Yes.	<p>Complete sound avoidance is not possible in regard to sound impacts but the experts have concluded that the project will fully comply with the Town Noise Code and site sound will blend in with existing sound in the area such that no negative acoustical impact is expected.</p>
<i>Air Impacts Mitigation (P. 33-34)</i>		
<p>1) Construction equipment will be maintained in proper working condition. Construction activities will be temporary and intermittent.</p>	Yes.	<p>Construction equipment will be maintained in proper working condition. Construction activities will be temporary and intermittent.</p>

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
2) The rock processing operation will require permitting from the NYSDEC Division of Air Resources due to its duration. Permitting will include specifications for dust control and particulate emissions. The operation will conform to 40 CFR 60 requirements for “Nonmetallic Mineral Processing.”	Yes.	Based on the levels of rock crushing proposed on the project site, Matrix will ensure that all crushing is in compliance with NYSDEC Division of Air Resources requirements and regulations, and all required permits are obtained. Also, all rock crushing will be in compliance with 40 CFR 60 requirements for “Nonmetallic Mineral Processing.”
<p>3) Implementation of the following dust control measures:</p> <p>a. Minimizing the extent of soil that is left unvegetated at any one time.</p> <p>b. The use of fast germinating seed or other temporary cover on exposed soil surface.</p> <p>c. Spraying water on exposed areas used for construction traffic when needed.</p> <p>d. Spraying water on areas of conveyance and screening during rock processing operations.</p> <p>e. Covering construction vehicles used to transport soil or demolition debris.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>	<p>Implementation of the following dust control measures:</p> <p>Minimizing the extent of soil that is left unvegetated at any one time.</p> <p>The use of fast germinating seed or other temporary cover on exposed soil surface.</p> <p>Spraying water on exposed areas used for construction traffic when needed.</p> <p>Spraying water on areas of conveyance and screening during rock processing operations.</p> <p>Covering construction vehicles used to transport soil or demolition debris.</p>
Visual Resources Mitigation (P.34-37)		
1) Develop a landscaping plan with significant landscaping and buffering that meets or exceeds the current Town buffer codes. Tree and shrub plantings outside development areas of the site to provide visual buffers for the public at all street level views into the property.	Yes.	The proposed Matrix Logistics Center will be approved with a landscaping plan in compliance with all Town of Newburgh Code requirements. The landscape plan will provide visual buffers for the public at all street level views into the property to the maximum extent possible.
2) Perimeter areas disturbed by grading will be revegetated with tree and shrub plantings and seed mixes. This	Yes.	Perimeter areas disturbed by grading will be revegetated with tree and shrub plantings and seed mixes in accordance

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
includes the disturbed portions within the 75-foot buffer from Hilltop Avenue and all embankment cuts to be surfaced with soil.		with an approved landscape plan. This includes all embankment and disturbed areas.
3) Existing vegetation outside the disturbed areas will be preserved.	Yes.	Most of the site has been cleared pursuant to the approvals for the Ridge Project. However, all existing vegetation, not disturbed by the Matrix Logistics Center, will be preserved.
4) The project plan meets or exceeds the Town's Buffer Law.	Yes.	The Matrix project plan meets or exceeds the Town's Buffer Law.
5) Native plantings will be used along the perimeter of the site, additional parking lot trees and additional screening in the area of the proposed gas station and loading docks.	Yes.	Native plantings will be used along the perimeter of the site and Matrix will plant additional parking lot trees and additional screening in the area of the proposed car parking lots to the extent necessary to mitigate potential visual impacts. This includes supplemental screening along the residential area to the north of the site.
6) Interim landscape treatments on areas that were disturbed but not fully developed will also include a 150' wooded buffer along the Route 84 exit ramp and Route 300 while the project is being developed.	No.	The Ridge Project was to be constructed in phases, which would require interim landscape treatments whereas the Matrix Logistics Center will be constructed in one phase and therefore interim landscape mitigation will not be necessary.
7) The project landscape plan mitigates the change in visual character of the site frontage along I-84 by providing tree and shrub plantings and seeding along the tops and faces of the proposed embankments.	Yes.	The project landscape plan mitigates the change in visual character of the site frontage along I-84 by providing landscaping and/or seeding on all disturbed areas along the I-84 ROW. Existing mature trees along this ROW will shield and buffer the project from I-84.
8) The site frontage between Route 300 and the new pavement areas will be provided with a new three-foot high stone wall backed by a planted earthen berm, essentially removing the view of the parking lot from this roadway.	Yes.	The site frontage between Route 300 and the new pavement areas will be provided with a new stone wall backed by a fully planted earthen berm, mitigating to the extent practical the visual impacts of the development along Route 300.
9) The Project lighting will be shielded so there be no increase in lighting	Yes.	The Project lighting will be shielded so there be no increase in lighting levels at the

The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
levels at the property lines of adjoining residential properties.		property lines of adjoining residential properties. The lights for the Matrix project are significantly further away from the residential area than the Ridge Project, further mitigating the impacts of lights on the adjacent residences.
10) The luminaires chosen to light the parking lots will utilize a flat glass lens with the lamp completely recessed into the housing to maintain “dark sky” compliance.	Yes.	The lighting fixtures proposed for the Matrix project comply with the Town ordinances, are fully shielded and are dark sky compliant.
11) The proposed lighting plan for the Project also demonstrates that the light trespass increase from the Project will not exceed 0.1 foot-candles at the edge of the traveled way for I-84 as required by the NYS Thruway Authority.	Yes.	The proposed lighting plan for the Project also demonstrates that the light trespass increase from the Project will not exceed 0.1 foot-candles at the edge of the traveled way for I-84 as required by the NYS Thruway Authority.
12) Architectural development of the site will follow a unified theme in accordance with guidelines that establish a basic level of architectural variety, compatible scale, pedestrian access and mitigation of negative visual impacts.	Yes.	The architectural massing of the buildings, featuring detailed exterior wall treatment at corners and expansive glass areas at primary entrances, will highlight the office/employee access. These building components will be reinforced by landscape elements, lighting and groundscape feature will provide a comfortable human scale to both pedestrian and automobile circulation on the site.
13) The appearance and proposed architectural design of the lifestyle center will provide a sense of proportion to the larger individual stores that mitigates the overwhelming visual impact that would otherwise be presented by a “big box” shopping center of this size.	Yes.	The proposed Matrix Logistics Center will be two (2) warehouse buildings and will follow a unified theme for that building that will establish a basic level of architectural variety, compatible scale with the other surrounding uses and mitigate of negative visual impacts that will. No. pedestrian access is proposed for this industrial use.
14) In order to preserve the community character and the sense of buffering and scale essential to an acceptable visual presentation, the Developer	N/A	This mitigation measure is not applicable to the Matrix Logistics Center, since the project is not a retail development.

The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
shall not build more than 450,000 square feet of non-lifestyle center space until it completes at least 100,000 square feet of the lifestyle center portion of the project unless an amended approval is obtained from the Planning Board.		
<p>15) Future development of the site will follow the guidelines adopted by a number of municipalities across the country, including Fort Collins, Colorado, Georgetown Kentucky, Somerset County New Jersey, and others. These guidelines are included in the FEIS, Appendix 1 page 1-11. Specifically, these guidelines offer recommendations to review boards to encourage:</p> <p>a. The articulation of long facades to reduce scale and provide visual interest, thereby mitigating the potential for uniform, impersonal appearance.</p>	<p>Yes.</p> <p>Yes.</p>	<p>The Matrix Logistics Center will be constructed in one phase as approved by the Town of Newburgh Planning Board.</p> <p>While future development on the proposed project site is not yet contemplated, any future development in addition to the Matrix Logistics Center will be constructed with the guidelines provided in the Ridge FEIS, Appendix 1, page 1-11.</p> <p>The long facades of the buildings will be anchored at all corners with architectural detail in the exterior wall materials and expansive glass areas. The balance of the building elevations will feature a series of clerestory windows complemented by a visually interesting exterior paint color pattern, which will provide a more human scale to the buildings.</p>
<p>b. Provision of architectural features, patterns and detail at pedestrian level to reduce massive aesthetic effects and recognize local character.</p>	<p>Yes.</p>	
<p>c. Varying roof lines to add interest to and reduce the scale of large buildings, in a manner consistent with adjoining neighborhoods.</p>	<p>Yes.</p>	
<p>d. Use of color and textures in a manner that is aesthetically</p>	<p>Yes.</p>	

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
pleasing and compatible with materials and colors in the adjoining neighborhood.		
16) Landscaping along store facades is required to soften the visual impact of these stores.	N/A	This is not applicable to the Matrix Logistics Center, since the project is not a retail development.
17) Facades with entrance points must be of substantial width to enable interesting pedestrian amenities and paths and should be approximately 20' wide with at least 40% of this area landscaped. Facades that do not have entrance points but face public views should have landscaping space that is at least 10' wide.	N/A	
18) Cohesive signage plan must be prepared that includes individual store signs, monument signs and way finding signs. Guidelines for the store and monument signs must include the type and color, the maximum height and width, and square footage of proposed signage.	Yes.	A signage plan will be provided to the Planning Board as a part of the project's application. However, because of the proposed distribution center use, Matrix's proposed signage will be a small fraction of the signage proposed by the Ridge's large-scale retail use.
<i>Historical and Archeological Resources Mitigation (P. 37)</i>		
1) No impacts/mitigation.	N/A	No impacts/mitigation.
<i>Implementation (P. 39-40)</i>		
1) The developer shall undertake the following to ensure that all mitigation measures are performed to the satisfactory of the Town:	Yes.	The developer shall undertake the following to ensure that all mitigation measures are performed to the satisfactory of the Planning Board:
a. The hiring of an on-site inspector, at the developer's expense, who will monitor the construction process, report to the Town, and deal with any complaints from the public.	Yes.	An on-site inspector will be designated by the developer to monitor the construction process, report to the Town, and deal with any complaints from the public.

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
b. The establishment of a well monitoring protocol and remediation plan satisfactory to the Town and the posting of performance security (re: potential damage to neighboring wells caused by blasting activities on site). The obligation shall include payment of a hydrogeologist to make binding determinations as to causation and appropriate corrective action.	Yes.	The establishment of a well monitoring protocol and remediation plan satisfactory to the Planning Board and the posting of performance security (re: potential damage to neighboring wells caused by blasting activities on site). The obligation shall include payment of a hydrogeologist to make binding determinations as to causation and appropriate corrective action.
c. The establishment of a landscape installation and maintenance plan satisfactory to the Town and posting of performance security for same.	Yes.	The establishment of a landscape installation and maintenance plan satisfactory to the Planning Board and posting of performance security for same.
d. Installation, at developer's expense, of pedestrian crosswalks and signals at intersections of the project access roads with Rt. 300 and Rt. 52, as well as "traffic calming measures" along Powder Mill Road in the vicinity of Algonquin and Cronomer Parks, if required by the Town Board and approved by the NYSDOT. e. The performance of all of the proposed offsite improvements such as the access intersection improvements, road widening, turn lane installations, traffic signalizations, etc. (and posting of performance security).	Yes. Yes.	Installation, at developer's expense, of pedestrian crosswalks and signals at intersections of the project access road with Rt. 300 if required by and approved by the NYSDOT. Traffic from the Matrix project will not impact Powder Mill Road in the vicinity of Algonquin and Cronomer Parks and therefore further mitigation is not warranted. The performance of all of the proposed offsite improvements such as the access intersection improvements, and traffic signalization, and posting of the appropriate performance security.
f. Establishment of an agreement regarding developer's offer to participate in a "fair-share" contribution towards future improvements at the intersection of Rt. 300 and Rt. 52.	No.	Traffic from the Logistics Center will not adversely impact this intersection and improvement will be provided by the proposed traffic signal coordination, therefore additional mitigation is not warranted.

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The Ridge – Mitigation Measures	Implemented for Matrix Logistics Center	Comments
g. Establishment of a Traffic Management Plan, including a reimbursement agreement and performance security in the event use of the Town’s police force is necessary for traffic control during extraordinary peak traffic events.	No.	The Logistics Center does not generate peak holiday shopper traffic as previously anticipated with the shopping center; accordingly, a peak season traffic management plan is not required.

AMENDED SEQRA FINDINGS STATEMENT 3-06-2008 (Subdivision and Signage Proposals)

The Ridge Project amendments included the submission of a comprehensive signage plan for consideration by the Planning Board and also requested a 4-lot subdivision of the main Project parcel to accommodate the needs of two national retailers and tenants who want to own their store sites.

The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p><i>Subdivision Mitigation Findings – No. impacts/mitigation.</i></p> <p>Note - Subdivision will require variances from the ZBA for side-yard, rear-yard, lot surface and building coverage in excess of what is permitted in the Town’s zoning code.</p>	Yes.	The Matrix project does not require a formal subdivision. However, lot consolidation is proposed to consolidate the IB zoned lots into 2 proposed lots which are in full compliance with the IB zoning criteria.
<p><i>Signage Mitigation Findings – No. impacts/mitigation:</i></p> <p>Note - Project signage requires variances from the ZBA to permit sign area and the number of freestanding signs in excess of what is permitted in the Town’s zoning code.</p>	Yes.	The propose signage for the Matrix Logistics Center is far less than that proposed for the Ridge and not require any mitigation and be in compliance with the Town Code.
1) The signage plan is consistent with the recently adopted Town of Newburgh Design Guidelines, which guidelines were created to ensure compatibility with the Town's aesthetic and architectural character. For instance, no internally illuminated, flashing,	Yes.	All proposed signage will be consistent with the recently adopted Town of Newburgh Design Guidelines. No. internally illuminated, flashing, rotating or flashing signage is permitted and no such signs are proposed. All proposed signs will be in full conformance with

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
rotating or flashing signage is permitted and no such signs are proposed here.		the Town's sign code; therefore no further mitigation is warranted.
2) The vast majority of the signage for the project will be located on buildings or monuments which are set back from the public roadways and the adjoining residential neighborhood to the north. Accordingly, most of the signage (both tenant and directional) will only be visible to patrons of the shopping center. Although some signage will be visible from public vantage points, such visibility is limited to the well-established Route 300 commercial corridor.	N/A	All proposed signage will be consistent with the recently adopted Town of Newburgh Design Guidelines. No internally illuminated, flashing, rotating or flashing signage is permitted and no such signs are proposed. All proposed signs will be in full conformance with the Town's sign code, therefore no further mitigation is warranted.
3) The proposed plan limits pylon signage for the center to a single pylon sign located at the Rt. 300 entrance. The pylon sign is necessary for the identification of those stores that will be located at the interior of the center and that will have no visibility from the public roadways. No pylon or tenant identification signage has been proposed for the other two shopping center access points on Rt. 52. At each of those entrances, signage is limited to a smaller scale, 6-foot high shopping center identification monument on a natural stone base.	N/A	The Matrix project does not propose any pylon signs.
4) The proposed signage plan results in proportionally less signage than other recently developed retail projects in the Town based upon gross shopping center area. For instance, Newburgh Plaza (a 240,000 square foot center which includes Kohl's, Home Depot and PetSmart) and the Shops at Newburgh (a 27,000 square foot center located at the corner of 17K and Rt. 300) have signage packages allowing signage square footage equal to 2.0% and 5.3% of the gross leasable area	N/A	The proposed Matrix Logistics Center will result in significantly less signage than that approved for the Ridge Project and will maintain compliance with the Town of Newburgh Code. Therefore, no mitigation is warranted.

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
("GLA") of the respective centers. The total signage square footage established for the Marketplace is limited to 1 .6% of the GLA of the center.		

SECOND AMENDED SEQRA FINDINGS STATEMENT 6-19-2008 (Well protection, SWPPP, and groundwater re-charge)

The Ridge Project amendments included mandates from outside agencies having principal jurisdiction over well protection and stormwater pollution prevention and the lead agency's identification of a superior methodology to address groundwater recharge.

The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>Modification to Well Monitoring Protocol included modifications to this provision:</p> <p>"Before blasting begins the developer shall either locate and obtain the right to utilize a suitable well within the neighborhood or shall drill an acceptable well on its own site, which well shall be utilized for emergency connections of any neighboring well determined to have been adversely affected by blasting activities. (2d Amended Findings Statement pg. 20)"</p> <p>However, after review, the Orange County Department of Health, stated that "...using a new or existing local well for emergency water supply shall not be allowed."</p> <p>Therefore, the following modifications were made to the Well Monitoring Protocol to satisfy emergency situations by utilization of potable water trucks or, if necessary, utilization of an emergency connection to the Town fire hydrant on Fern Avenue.</p> <p>Modifications include:</p>		<p>Matrix will follow each revised Well Monitoring Protocol provision as revised by the Orange County Department of Health below.</p>

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
1) Potable water truck a. A potable water truck will be provided at the affected property within four (4) hours of notification that the normal delivery of water to the property has been disrupted as a result of blasting activities undertaken by the Developer. A connection will be made to the subject property in order to restore water delivery within six (6) hours.	Yes.	
b. Water trucks will provide a trailer that contains 6,000 gallons of NYS Certified/tested potable water. Trailers will be equipped with a 3" quick fit/Cam lock connection along with a variety of other fittings to accommodate the particular set up.	Yes.	
2) If the water interruption from blasting activity is so widespread that potable water delivery by truck is not feasible, as determined by the Town engineer, then: a. Developer shall cause a temporary connection to be made to the Town hydrant on Fern Avenue to the affected property identified by the Town Engineer.	Yes.	
b. The installation of an above-ground, temporary water main from the Town hydrant to the affected areas, and the installation of feed lines off the temporary, above-ground main shall be installed by the Developer's site contractor.	Yes.	
Modifications relating to Stormwater Pollution Prevention Plan ("SWPPP")	Yes.	

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>1) The SWPPP for the Project incorporated an erosion and sedimentation control plan. That plan identified a series of five (5) discreet construction disturbance phases. Upon review of the plan by the NYSDEC, the agency determined that the number of discreet construction disturbance phases should be increased from five (5) to seven (7) in order to reduce the amount of site disturbance at any one time.</p>		<p>An updated SWPPP will be created for the Matrix Logistics Center. This SWPPP which will comply with the most current NYSDEC stormwater regulations will be more protective of the environment.</p> <p>The new SWPPP will also be in compliance with Chapter 157 of the Town of Newburgh Code and will obtain approval from the Town prior to construction.</p> <p>In addition, the Matrix Logistics Center will also include a new and updated erosion and sediment control plan based on the new Matrix Logistics Center. This plan will be based on new NYSDEC regulations and be more protective of the environment than The Ridge.</p> <p>These documents will be specific to the Matrix Logistics Center, will be approved by the Town, and will supersede those documents for the Ridge Project.</p>
<p>Modification related to groundwater recharge</p> <p>1) The Planning Board determined that, due to the potential for high traffic use, originally proposed pervious surfaces will not be sufficiently durable over the long run to accomplish the objective of groundwater recharge.</p> <p>The following alternatives shall be utilized:</p>		
<p>a. the installation of an infiltration system (designed to provide an equivalent storage volume to a 4-acre pervious pavement system) consisting of curb inlets which will direct water into a crushed</p>	<p>Yes.</p>	<p>The updated SWPPP proposed for the Matrix Project includes infiltration basins that promote groundwater recharge. The bioretention basins designed specially in accordance with the most recent NYSDEC stormwater</p>

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>stone envelope located beneath the parking field adjacent to Building C; and</p> <p>b. Locating infiltrators in parking islands across the site. The infiltration system will be located within a fill section below the frost line so as to improve the recharge capabilities of the system and minimize the potential freeze/thaw concerns. The system will collect water from an approximately 5-acre area, thereby providing greater potential for ground water recharge, especially during lower intensity rainfall events.</p>	<p>Yes.</p>	<p>regulations result in an RRV (Runoff reduction volume) of 36% as a percentage of the required total water quality volume.</p> <p>The updated SWPPP for the Matrix Project includes infiltration basins that promote groundwater recharge. The bioretention basins designed specially in accordance with the most recent NYSDEC stormwater regulations result in an RRV (Runoff reduction volume) of 36% as a percentage of the required total water quality volume. These bioretention areas are located across the site and provide more effective infiltration than isolated parking islands.</p>
<p>2) Additionally, the parking island infiltrators will capture rainwater and recharge it into the ground directly from the parking island. The infiltrators are not subject to the same durability and maintenance concerns as the use of pervious surfaces because there is no active utilization of the parking islands.</p>	<p>Yes.</p>	<p>The updated SWPPP proposed for the Matrix Project includes infiltration basins that promote groundwater recharge. The bioretention basins designed specially in accordance with the most recent NYSDEC stormwater regulations result in an RRV (Runoff reduction volume) of 36% as a percentage of the required total water quality volume. These bioretention areas are located across the site and provide more effective infiltration than isolated parking islands. These bioretention basins, provide water quality treatment from the paved areas and promote infiltration more efficiently than the parking islands.</p>

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SEQRA CONSISTENCY DETERMINATION 9-16-2010 (AMENDED SITE PLAN APPROVAL)

- Project amendments included minor modifications (described) to the prior site plan approval.
- No. additional or amended mitigation measures needed.

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SEQRA CONSISTENCY DETERMINATION 11-18-2010 (SECOND AMENDED SITE PLAN APPROVAL - SITE PLAN RESOLUTION CONTAINS SEQRA CONSISTENCY STATEMENT)

- Project amendments included modifications to the "lifestyle" portion of the project, along with a relatively minor interior roadway reconfiguration and grading changes.
- No. additional or amended mitigation measures needed.

THIRD AMENDED SEQRA FINDINGS STATEMENT 3-1-2012 (THIRD AMENDED SITE PLAN)

The Ridge Project amendments included: (i) Deferral of construction of the Project's Route 52/Fifth Avenue access road improvements until the Project build out exceeds 400,000 square feet of retail floor area; (ii) Redesign of an internal driveway (identified on the site plan as "Entry A") to permit two-way traffic; (iii) Lowering of the "village center" grading by approximately 21 inches on average; and (iv) Inclusion of a pharmacy building in the village center.

The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
1) The applicant has agreed to monitor traffic at the Route 52/Fifth Avenue intersection after: <ul style="list-style-type: none"> a. Completion and occupancy of the first 200,000 square feet of retail/commercial floor area; and 	N/A	The projected traffic for Matrix's project is not anticipated to adversely impact this intersection and therefore no further mitigation or monitoring is warranted.
<ul style="list-style-type: none"> b. Completion and occupancy of 320,000 square feet of retail/commercial floor area, to ascertain if any of the identified intersection improvements at Fifth Avenue as set forth in prior SEQRA documents and permits would be warranted for installation due to traffic generated by the Project. 	N/A	
2) Such monitoring review will be provided to the Planning Board and its consultants. If, in the sole opinion of the Planning Board and its advisors, it is determined that such traffic	N/A	

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
improvements are warranted, the applicant has agreed to implement such improvements.		
<p>Proposed amended mitigation included:</p> <p>1) No. certificate of occupancy shall be issued for any retail establishment shown on these amended plans until the two entranceways proposed to be completed initially are, in fact, completed to the satisfaction of the Town of Newburgh Code Compliance Department, together with all of the first phase improvements listed in the map notes on the plan coversheet as being required to be completed before such issuance.</p>	N/A	<p>A Certificate of Occupancy for the proposed Matrix Logistics Center shall not be issued until the single proposed entrance to the distribution center, and the proposed emergency exit, are completed to the satisfaction of the Town of Newburgh Code Compliance Department. Because the proposed Matrix Logistics Center is not a phased development, like the Ridge Project, a Certificates of Occupancies shall not be provided until all construction required for the various potential tenants are complete to the satisfaction of the Town. Although it is not a phased development like the Ridge Project, the two warehouses and potential tenants will require COs at different times and construction not required for COs will not be required to be completed in advance of the COs as determined by the Town's Code Enforcement Officer.</p>
<p>2) No certificates of occupancy will be issued for any structures beyond a total of 400,000 square feet until all three proposed entranceways have been completed to the satisfaction of the Town of Newburgh Code Compliance Department.</p>	N/A	See above.

SEQRA CONSISTENCY DETERMINATION 4-17-2014 (FOURTH AMENDED SITE PLAN APPROVAL)

- The Ridge Project amendments included: (1) removal from the plans of a proposal to defer construction of the Project's Route 52/Fifth Avenue access road improvements until the Project build out exceeds 400,000 square feet of retail/commercial floor area; and (2) a shift of the "big box" buildings (currently approved for the northeasterly portion of the shopping center) away from the property boundary with the residential neighborhood and a corresponding realignment of the internal roadway.

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- No. additional or amended mitigation measures needed.

SEQRA CONSISTENCY DETERMINATION 9-17-2015 (FIFTH AMENDED SITE PLAN APPROVAL - SITE PLAN RESOLUTION CONTAINS SEQRA CONSISTENCY STATEMENT)

- The Ridge Project amendments included:
 - Change in Building A footprint at units A3 and A5.
 - Change in Building B layout, includes the elimination of unit B1 and changes to the Cinema building (B5).
 - Service Area redesign behind Buildings D1 and D2.
 - Change in Building E footprint, Utility Room added behind E3.
 - Change in Building F footprint to allow for new Building 01, shortened building by approximately 40 feet in length, deepened other units.
 - Parking area added behind Building F and Service Area pavement reduced.
 - Change in Building G1 footprint and associated parking area.
 - Parking area between Buildings G1 and L1 eliminated to accommodate new building pad for new Building L5.
 - Change in Building I footprint at units 13 and 15.
 - Change in Building J footprint (units J3, J5, J7, and J9), including Service Area redesign.
 - Changed Building L1 footprint and relocated to make room for new Building L5 drive through.
 - Added new Building L5 and associated drive through.
 - Change in Building M1 footprint, orientation and layout.
 - Added new Building R1 adjacent to Building B5 (replacing former Building B1.)
 - Added new building pad for new Building 01 (new drive through located adjacent to Building F1.)
 - Raised the grades of the rear service road by approximately 4 feet behind Buildings B and C.
 - Raised the grades at the intersection of Road A and Road B by approximately 5 feet.
 - Crosswalk modification at the intersection of Road A with the access drive in front of Buildings A and B.
 - Change in 10' high fence location between Building A1 (Shop-rite) and Building P (Future Development).
 - Removed two (2) travel lanes, 1 entering and 1 exiting the Road B Extension/Zone B parking area.
 - Elimination of one (1) exiting lane along Road D.
 - Revised loading dock/service area behind Building D1.
 - Elimination of the truck turnaround area adjacent to Building D2.
 - Minor island/walkway relocations along Road D entry.
 - Coordinated hardscape/walkways throughout the center with project architect.
 - Dumpster locations added (various locations.)
 - Utility Room locations added (Typ.)
 - Revised Basin C-C layout and grading as per approved field change.

- No. additional or amended mitigation measures needed.

FOURTH AMENDED SEQRA FINDINGS STATEMENT 6-15-2017 (SIXTH AMENDED SITE PLAN APPROVAL)

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The Ridge Project amendments included: (i) Change in grading elevations to balance the site while reducing the amount of drilling/blasting and earthwork impacts; (ii) Change in building footprints and associated drives and parking areas; (iii) Change in 10' high sound barrier fence location behind Building A1 (Shoprite) and addition of buffer landscaping; (iv) Deferral of construction of the Project's Route 52/Fifth Avenue access road improvements until the Project build out exceeds 530,000 square feet of commercial/retail floor area; and (v) Addition of an emergency access connection to Brookside Avenue in conjunction with the demolition of 3 houses and reconfiguration of the Brookside Avenue cul-de-sac.

The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>In the original SEQRA Findings, the Developer's mitigation measure to complete all three entranceways before issuance of the first certificate of occupancy for retail space is rescinded and replaced with the following:</p> <p>1) No. certificate of occupancy shall be issued for any retail establishment shown on these amended plans until the two entranceways proposed to be completed initially are, in fact, completed to the satisfaction of the Town of Newburgh Code Compliance Department, together with all of the first phase improvements listed in the map notes on the plan coversheet as being required to be completed before such issuance.</p>	N/A	<p>A Certificate of Occupancy for the proposed Matrix Logistics Center shall not be issued until the single proposed entrance to the distribution center, and the proposed emergency exit are completed to the satisfaction of the Town of Newburgh Code Compliance Department.</p> <p>Because the proposed Matrix Logistics Center is not a phased development, like The Ridge, a Certificate of Occupancy shall not be provided until all construction is complete to the satisfaction of the Town. Although it is not a phased development like the Ridge Project, the two warehouses and potential tenants will require COs at different times and construction not required for COs will not be required to be completed in advance of the COs as determined by the Town's Code Enforcement Officer</p>
<p>2) No. certificates of occupancy will be issued for any structures beyond a total of 530,000 square feet until all three proposed entranceways have been completed to the satisfaction of the Town of Newburgh Code Compliance Department.</p>	N/A	See above.

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MITIGATION MEASURES – DEVELOPERS AGREEMENT

The following mitigation measures are noted in the Developer’s Agreement for the Ridge Project. This does not include duplicate requirements that are also noted in the SEQRA Findings above.

The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
Developers Agreement	Yes.	Matrix will entire into a Developer’s Agreement with the Town of Newburgh.
Town Public Improvements – 1) The Developers agrees to construct all public improvements and obtain related approvals at the Developer’s expense.	Yes.	The Developers agrees to construct any public improvements and obtain related approvals at the Developer’s expense.
Landscaping – 1) The developer agrees to install and maintain all landscaping, buffers, barriers, fences and related site improvements in accordance with the approved landscape plan and the requirements of Town.	Yes.	The developer agrees to install and maintain all landscaping, buffers, barriers, fences and related site improvements in accordance with the approved landscape plan and the requirements of Town
Off-Site Traffic Improvements – 1) The developer agrees to construct and complete those improvements under the jurisdiction of the NYSDOT Highway and Signalization permitting process in conformance with the Approval Proceedings, Project Plans, the New York State Department of Transportation Highway and Signalization Permits, and all applicable codes, rules and regulations and pursuant to the schedule set forth in the resolutions of final approval and as shown on the phasing plans.	Yes.	Matrix has provided a Traffic Study based on the proposed Logistics Center. Those off-site traffic improvements identified as necessary will be completed by Matrix in accordance with the NYSDOT requirements.

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>Maintaining Public Improvements –</p> <p>1) The developer agrees to repair and maintain, or cause to be maintained, the Public Improvements to be constructed hereunder, until the Town Board and the Highway Superintendent of the Town, as the case may be, adopts a resolution or executes a consent accepting said improvements.</p>	Yes.	Matrix will enter into the appropriate agreements with the Town to ensure the maintenance of any public improvements.
<p>Well Monitoring –</p> <p>1) The Developer shall establish a well monitoring protocol and remediation plan satisfactory to the Town and post a performance security.</p>	Yes.	Based on the Well Monitoring Protocol approved by the Planning Board for the Ridge Project, Matrix will agree to a Well Monitoring Protocol for the construction of the Logistics Center. Matrix will post a performance bond as required by the Planning Board to cover the cost of the well monitoring program which will include the following: The well monitoring protocol will include the following:
<p>2) The well monitoring protocol shall have at least the following provisions:</p> <p>a. Identification of those wells belonging to residents that might be affected by construction blasting activities.</p>	Yes. Yes.	Identification of those wells belonging to residents that might be affected by construction blasting activities.
<p>b. Notification to the owners of those properties identified of the remediation offered under the protocol.</p>	Yes.	Notification to the owners of those properties identified of the remediation offered under the protocol.
<p>c. Pre-construction studies of the wells of all property owners agreeing to be covered by the protocol [Wells within 500 feet of areas of proposed blasting</p>	Yes.	Pre-construction studies of the wells of all property owners agreeing to be covered by the protocol [Wells within 500 feet of areas of proposed blasting will be located and surveyed (size, location, depth), if they are not.

The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
will be located and surveyed (size, location, depth), if they are not buried, with permission of property owners].		
d. Installation (for those property owners opting in) of data loggers in the wells to ascertain pre-blasting, blasting and post blasting operating conditions. [Data loggers measures the static water level in the well and is the best evidence of potential geologic changes that would affect increasing or decreasing flows into the wells]. The information from the data loggers will be downloaded weekly by a hydrogeologist and the results will be provided to the Town on a weekly basis.	Yes.	Installation (for those property owners opting in) of data loggers in the wells to ascertain pre-blasting, blasting and post blasting operating conditions. [Data loggers measures the static water level in the well and is the best evidence of potential geologic changes that would affect increasing or decreasing flows into the wells]. The information from the data loggers will be downloaded weekly by a hydrogeologist and the results will be provided to the Town on a weekly basis.
e. The Developer's contract with its blasting contractor shall specify maximum peak particle velocity permitted at the property line. [Maintaining peak particle velocity at under 2 inches per second, has been found by Federal Agencies, to provide ample protection to structures as a result of blast vibration]. Seismographs will be set up at the property line to monitor blasting vibration and the results of seismograph data will be submitted to the Town engineer and retained hydrogeologist on a weekly basis.	Yes.	The Developer's contract with its blasting contractor shall specify maximum peak particle velocity permitted at the property line. [Maintaining peak particle velocity at under 2 inches per second, has been found by Federal Agencies, to provide ample protection to structures as a result of blast vibration]. Seismographs will be set up at the property line to monitor blasting vibration and the results of seismograph data will be submitted to the Town engineer and retained hydrogeologist on a weekly basis.

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>f. Before blasting begins the Developer shall have potable water trucks on call or, if necessary, the means to make an emergency connection to the Town fire hydrant on Fern Avenue either of which may then be utilized for emergency connections of any neighboring well determined to have been adversely affected by blasting activities.</p>	<p>Yes.</p>	<p>Before blasting begins the Developer shall have potable water trucks on call or, if necessary, the means to make an emergency connection to the Town fire hydrant on Fern Avenue either of which may then be utilized for emergency connections of any neighboring well determined to have been adversely affected by blasting activities.</p>
<p>g. A well driller will be on-call during periods of blasting that occurs within 500 feet of the residential property line of the site. In the event of a well failure, the well driller will initially tie the failed well into the on-call potable water trucks or, if necessary, to the Town fire hydrant on Fern Avenue. This will provide a water supply within 4 to 6 hours of any impact. The well driller will then pull the pump on the affected well and drill the well deeper, or alternatively drill a new well on the affected property and tie it into the residential home, at no cost to the residential well owner.</p>	<p>Yes.</p>	<p>A well driller will be on-call during periods of blasting that occurs within 500 feet of the residential property line of the site. In the event of a well failure, the well driller will initially tie the failed well into the on-call potable water trucks or, if necessary, to the Town fire hydrant on Fern Avenue. This will provide a water supply within 4 to 6 hours of any impact. The well driller will then pull the pump on the affected well and drill the well deeper, or alternatively drill a new well on the affected property and tie it into the residential home, at no cost to the residential well owner.</p>
<p>h. In the event that an acceptable water supply cannot be found onsite, the Developer will develop an alternative water supply offsite with appropriate easements and extensions</p>	<p>Yes.</p>	<p>In the event that an acceptable water supply cannot be found onsite, the Developer will develop an alternative water supply offsite with appropriate easements and extensions to the affected property owner. If this option is non-workable the Developer will pay for the costs to extend Town water</p>

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
to the affected property owner. If this option is non-workable the Developer will pay for the costs to extend Town water to the affected site. A bond will be placed with the Town covering the costs of that extension.		to the affected site. A bond will be placed with the Town covering the costs of that extension.
i. The duration of well monitoring shall extend for a period of not less than three months after blasting has ceased on the project site.	Yes.	The duration of well monitoring shall extend for a period of not less than three months after blasting has ceased on the project site.
j. If well yields or quality are impacted from the construction and development of the Project, it will be the responsibility of the applicant to mitigate this impact. Potential mitigation measures shall include the provision of trucked-in water, the deepening of existing wells, drilling of new wells, repair or improvement of existing well casings or connection to the existing municipal system. Any such measures will be coordinated with the Town of Newburgh and the Orange County Department of Health, and implemented at no cost to the affected party. The details of implementation of the plan, i.e., pre-construction monitoring of those wells belonging to residents that might be interested in this program, duration of the agreement,	Yes.	If well yields or quality are impacted from the construction and development of the Project, it will be the responsibility of the applicant to mitigate this impact. Potential mitigation measures shall include the provision of trucked-in water, the deepening of existing wells, drilling of new wells, repair or improvement of existing well casings or connection to the existing municipal system. Any such measures will be coordinated with the Town of Newburgh and the Orange County Department of Health, and implemented at no cost to the affected party. The details of implementation of the plan, i.e., pre-construction monitoring of those wells belonging to residents that might be interested in this program, duration of the agreement, and which of the alternative mitigation measures might be most suitable on an individual basis, will be developed with the Town Engineer as construction proceeds.

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
and which of the alternative mitigation measures might be most suitable on an individual basis, will be developed with the Town Engineer as construction proceeds.		
<p>Inspection of Private Site Improvements –</p> <p>1) The developer agrees that certain private improvements at the site may be inspected at all times during construction for compliance with approved plans and applicable specifications, codes, rules and regulations, and approved prior to their use by the Town Engineer, the Town Consulting Inspector, the Town consulting Landscape Architect, Town Building Inspector or other designee retained by the Town.</p>	Yes.	The developer agrees that certain private improvements at the site may be inspected at all times during construction for compliance with approved plans and applicable specifications, codes, rules and regulations, and approved prior to their use by the Town Engineer, the Town Consulting Inspector, the Town consulting Landscape Architect, Town Building Inspector or other designee retained by the Town.
2) The Town will retain the contract services of a professional engineering firm or other firm with appropriate experience which provides site inspection services (the "On- Site Inspector"), at the Developer's expense.	Yes.	<p>The Town will retain the contract services of a professional engineering firm or other firm with appropriate experience which provides site inspection services (the "On- Site Inspector"), at the Developer's expense.</p> <p>The On-Site Inspector will monitor and inspect the</p>
3) The On-Site Inspector will monitor and inspect the site construction process and report to the Town. The parties anticipate that this monitoring and inspection will be a provided on a full time basis for the initial stages of construction (particularly with respect to the monitoring required by the SPDES permit) and then, at the sole determination of the	Yes.	<p>site construction process and report to the Town. The parties anticipate that this monitoring and inspection will be a provided on a full time basis for the initial stages of construction (particularly with respect to the monitoring required by the SPDES permit) and then, at the sole determination of the</p> <p>Such private improvements shall include the following: landscaping, barriers and related improvements; stormwater management: including culverts, catch basins, detention and retention basins and compliance with the Stormwater Pollution</p>

The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>Town, be scaled back gradually until completion Such private improvements shall include the following: landscaping, barriers and related improvements; stormwater management: including culverts, catch basins, detention and retention basins and compliance with the Stormwater Pollution Prevention Plan (SWPPP); Erosion and Sediment Control Measures; private streets, driveways, parking areas and sidewalks and appurtenant street lighting fixtures and curbing; water and sewer lines; and connecting lines (the "Private Improvements").</p>		<p>Prevention Plan (SWPPP); Erosion and Sediment Control Measures; private streets, driveways, parking areas and sidewalks and appurtenant street lighting fixtures and curbing; water and sewer lines; and connecting lines (the "Private Improvements").</p>
<p>Guarantee of Public Improvements</p> <p>1) Unless covered by the original performance security, the Developer hereby covenants to file with the Town one or more maintenance securities, in the same form and in an amount equal to 20% of the value of the Performance Securities, acceptable to the Attorney for the Town as to form, guaranteeing that the Public Improvements, Landscaping and Erosion and Sedimentation Control Measures shall be free of defect and damage for a period of two (2) years following the date of acceptance of dedication of Public Improvements by the Town Board or certification of completion of Landscaping and Erosion and Sedimentation Control Measures.</p>	<p>Yes.</p>	<p>Unless covered by the original performance security, the Developer hereby covenants to file with the Town one or more maintenance securities, in the same form and in an amount equal to 20% of the value of the Performance Securities, acceptable to the Attorney for the Town as to form, guaranteeing that the Public Improvements, Landscaping and Erosion and Sedimentation Control Measures shall be free of defect and damage for a period of two (2) years following the date of acceptance of dedication of Public Improvements by the Town Board or certification of completion of Landscaping and Erosion and Sedimentation Control Measures.</p>
<p>Performance of Repairs and Maintenance –</p>		

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
1) In the event any of the Public Improvements, Stormwater Management facilities, Landscaping and Erosion and/or Sedimentation Control Measures installed by the Developer fail to operate satisfactorily, the Town shall notify the Developer in writing at the address specified below and the Surety in accordance with the terms of the Maintenance Security. It shall be the responsibility of the Developer or its Surety to correct the problem and set the facilities or equipment in satisfactory operation.	Yes.	In the event any of the Public Improvements, Stormwater Management facilities, Landscaping and Erosion and/or Sedimentation Control Measures installed by the Developer fail to operate satisfactorily, the Town shall notify the Developer in writing at the address specified below and the Surety in accordance with the terms of the Maintenance Security. It shall be the responsibility of the Developer or its Surety to correct the problem and set the facilities or equipment in satisfactory operation.
Traffic Monitoring Program – 1) Prior to the issuance of the first building permit, Developer covenants to deposit with the Town the sum of \$30,000 (or at Developer’s option a Letter of Credit acceptable to the attorney for the Town), which the Town shall use to implement a traffic monitoring program pursuant to the Project Findings.	<u>Modified.</u>	Developer agrees to fund upon request a post development monitoring study not to exceed \$30,000.
2) The Developer agrees to undertake such modifications as may be recommended by the Town’s traffic consultants upon analysis of the monitoring results and approved by the Town, subject to the limitations below.	No.	The developer agrees to review the results of the monitoring study and consider its findings and recommendations with regard to traffic impacts that may be specifically caused by the project.
Traffic Improvements – 1) The intersection of NYS Route 52 and NYS Route 300 has been identified as an existing	No.	Based on the traffic study, no improvements are identified for this intersection other than signal coordination.

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The Ridge - Mitigation Measures	Implemented for Matrix Logistics Center	Comments
<p>constrained intersection. In order to assist the Town in urging the NYSDOT to improve the intersection, the Developer agrees, not later than one year after issuance of the first building permit for the project, to carry out an additional traffic study and to prepare design and construction plans for the needed intersection improvements and to deliver the same to the Town.</p> <p>To accomplish this, the Developer agrees to contribute toward such study (to be conducted by the Town's traffic engineer) and the construction of such improvements, provided that its total contribution (cost of the study and construction drawings plus a contribution toward the cost of improvements) does not exceed the total sum of \$50,000.</p>		
<p>Traffic Signal Maintenance Agreement –</p> <p>1) The Developer shall execute and maintain in place a contract with a traffic signal maintenance company for the traffic signal installed at the internal intersection of Road A and Road B.</p>	N/A	The proposed Matrix Logistics Center is going to have far less traffic than the Ridge Project and therefore no internal traffic signalization is required.
<p>Emergency Access Maintenance –</p> <p>1) The Developer shall undertake continuing maintenance of emergency access points.</p>	Yes.	Matrix has proposed emergency access to Route 52, a previously approved main entrance point for the Ridge Project. This emergency access will be continuously maintained.

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