

Town of Newburgh Planning Board

From: "Gordon, Eric L." <EGordon@kblaw.com>
To: <Michael.Donnely@DDDBLaw.Com>; <ida@orangecountygov.com>; <town-clerk@hvr.rr.com>; <planningboard@hvc.rr.com>; <townsupervisor@hvc.rr.com>
Sent: Thursday, March 01, 2012 10:11 AM
Attach: Ewasutyn Letter.pdf
Subject: Marketplace at Newburgh - Amended Site Plan

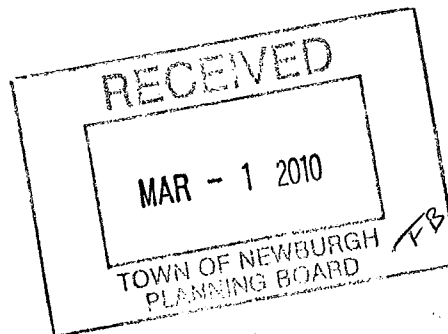
Please see the attached letter which is being sent with respect to the March 1, 2012 Town of Newburgh Planning Board meeting.

Eric L. Gordon
Member

KEANE & BEANE P.C.
ATTORNEYS AT LAW

Multi-Faceted Law Firm. Singular Client Focus.

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✉ Please consider the environment before printing this email message.

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■ Mid-Hudson Office
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

February 29, 2012

VIA FACSIMILE (845) 564-7804
AND FIRST-CLASS MAIL

Chairman John P. Ewasutyn and Members of the
Town of Newburgh Planning Board
Town of Newburgh
1496 Route 300
Newburgh, New York 12550

Re: The Marketplace at Newburgh Project –
Third Amended Site Plan Application

JOEL H. SACHS
Principal Member
jsachs@kblaw.com
Also Admitted in FL

Dear Chairman Ewasutyn and Members of the Planning Board:

This office represents Newburgh Capital Group, LLC, the operators of the Newburgh Mall, as well as several residents of the Town and Save Open Space (“SOS”), a local environmental organization. As you are aware, our clients have had significant legal, environmental and economic issues with and objections to the Marketplace at Newburgh (the “Marketplace”) application and approval process. This letter is written in objection to the Third Amended Site Plan application filed by Marketplace at Newburgh, LLC, the developer of the Marketplace (the “Developer”).

I. Introduction

As you are aware, the Newburgh Mall is one of the largest taxpayers in the Town of Newburgh. The Newburgh Mall is patronized by thousands of area residents and brings considerable economic benefits to the Town. We also represent a number of local residents who also have legitimate concerns about the Marketplace proposal. I had previously appeared before you more than a year ago in opposition to the developer’s Second Amended Site Plan application. At that time, you refused to allow me to speak on behalf of the Newburgh Mall, SOS and local residents, and then voted not to reopen the SEQRA process and not hold a public hearing on the Amended Site Plan. Although notice was not provided to the public with respect to the current application, it is my understanding the Planning Board has already voted not to reopen SEQRA and not to hold a public hearing with respect to the Third Amended Site Plan. Therefore, I have no choice but to set forth the objections to this application in writing.

Chairman John P. Ewasutyn and
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The Newburgh Mall, SOS and local residents object to the Third Amended Site Plan application for the Marketplace on the following grounds: (1) an SEIS is necessary to properly evaluate the significant adverse environmental impacts resulting from the changes in the proposed Site Plan relating to traffic, change in site grading, revised site layout, phasing of construction and socioeconomic conditions; and (2) the public's due process rights have been violated by the lack of sufficient public notice and the failure of the Town of Newburgh to comply with the requirements of Article 6 of the Public Officers Law.

II. A Supplemental Environmental Impact Statement is Necessary

The SEQRA regulations state a lead agency may require a SEIS upon a finding that (1) specific, significant adverse environmental impacts were either not addressed or inadequately addressed in the FEIS; and (2) a significant adverse impact arises from (a) changes proposed for the project; (b) newly discovered information; or (c) change in circumstances related to the project. 6 NYCRR 617.9(a)(7)(i)(a)-(c). The lead agency "must evaluate whether the change may give rise to a potentially significant adverse effect, and must separately determine whether the previously prepared EIS adequately addressed that environmental effect adequately enough to allow the lead and involved agencies to make an informed decision." *Environmental Impact Review in New York*, § 3.13[2][a] at p. 3-202.

The proposed Third Amended Site Plan will result in significant adverse impacts relating to traffic, development issues and site access that were never considered or addressed in the previously prepared EIS. Likewise, the Developers' application for tax benefits with the Orange County Industrial Development Agency ("OCIDA") is a change in circumstance that will give rise to potentially adverse impacts that were not considered in the previously prepared EIS. Based on each of these grounds, a SEIS should be prepared.

A. Deferral of the Construction of Access Roads Will Adversely Impact Traffic Patterns

The Marketplace is proposing changes in the project which include the deferral of the construction of one of three access road improvements and altered construction phasing. The proposed project changes will result in significant adverse traffic impacts, particularly due to the increased traffic flow at the NYS Route 300 access point (directly across from the Newburgh Mall) which will inevitably result if the third access point is deferred or possibly never constructed. Specifically, elimination

Chairman John P. Ewasutyn and
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of the Route 52 at Fifth Avenue/Exit 8 access road improvement will funnel the traffic which would have otherwise used this access road to NYS Route 300 thereby increasing traffic impacts directly adjacent to the Newburgh Mall.

The Planning Board's draft Third Amended Findings Statement and its draft Resolution of Approval for the Third Amended Site Plan application improperly conclude that the proposed modifications are "consistent with prior SEQRA studies" and "falls within what was contemplated by the earlier Environmental Impact Statement." (2007 Findings Statement, p. 24; draft Resolution of Approval, p. 5). To the contrary, the Planning Board's SEQRA review for the 2007 Findings Statement was entirely based on a study of three access points for the proposed development, not two as currently proposed. Indeed, the 2007 Findings Statement identifies three access points and states that the three access road improvements "will be sufficient to handle up to 850,000 square feet of development without adverse impacts to the local traffic network." (2007 Findings Statement, p. 24).

The 2007 Findings Statement specifically contemplates and relies on the installation of three access points as a basis for the findings set forth therein and states "[a]ll three of these access roads are required to support the site plan as currently proposed." (2007 Findings Statement, p. 3). The 2007 Findings Statement recognizes that the document will be applicable to future site plan modifications but explicitly mandates that the modifications cannot "reduce the number of access points below the 3 currently proposed" without further SEQRA review. (2007 Findings Statement, p. 4).

No findings were made with respect to the impacts resulting from the operation of only the NYS Route 300 and NYS Route 52/Meadow Avenue access points. To the contrary, the 2007 Findings Statement lists 10 traffic improvements that must be made to attain acceptable Levels of Service and mitigate traffic impacts to the maximum extent practicable. At least two (2) of these required improvements involve the NYS Route 52/Fifth Avenue access point.

The 2007 Findings Statement further recognizes the necessity of the NYS Route 52/Fifth Avenue access by providing that "[i]nternal traffic will use the through road from Route 300 to Route 52 at Fifth Avenue, with a new intersection connecting the Meadow Avenue access" and "[t]he provision of multiple access points to the Marketplace also provides better overall emergency access for the area since it

Chairman John P. Ewasutyn and
Members of the Planning Board
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provides alternate routes for emergency vehicles.”¹ (2007 Findings Statement, p. 26, 28). Thus, the NYS Route 52/Fifth Avenue access point was an integral part of the Planning Board’s prior SEQRA review.

Although the Planning Board now contends a new traffic study was prepared in September 2011, finding that two entrance sites is appropriate for less than 400,000 square feet of retail space, this report has not been made available to the public and was not posted on the Planning Board’s website. Although a Freedom of Information Law (“FOIL”) request was made to the town several weeks ago seeking all documents supporting the Third Amended Site Plan, no response to that request has been received. Thus, we have not been provided an opportunity to analyze the validity of the findings in this latest traffic study. At the very least, the study must be subject to public review to ascertain its accuracy. More importantly, a SEIS is required to determine whether the adverse traffic impacts resulting from the construction of the Marketplace will be properly mitigated now that construction of one of the proposed entrances will not be implemented despite the fact that a huge development is included in this phase.

**B. Phasing of the Project will have
an Adverse Impact on
Environmental Conditions**

With respect to phasing, the 2007 Findings Statement is based upon the project being constructed in a single phase. (2007 Findings Statement, p. 4). The proposed modifications which implement construction phasing are contrary to the 2007 Findings Statement. As a result of the proposed phasing, a portion of the property may remain undeveloped for extensive periods of time and therefore, the economic analysis conducted during the SEQRA review process must be reexamined.

Furthermore, the Town Planning Consultant’s February 24, 2012 Memorandum recognizes deficiencies in the Planning Board’s SEQRA review with respect to phasing by stating a visual representation of the undeveloped portion of the site “...should have been reviewed by the Planning Board in the SEQRA documentation, but was not submitted.” The failure to take a “hard look” at the

¹ Section 185-57(H)(2)(a) of the Town of Newburgh Zoning Code requires that prior to approving a site plan the Planning Board must consider whether the site plan attains the objective “[t]hat all proposed structures, equipment or material shall be readily accessible for fire and police protection.” With the elimination of the NYS Route 52/Fifth Avenue access point emergency access to the site is reduced and impacts the site plan’s ability to attain this basic objective.

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adverse impacts from the change to a phased development and to require a SEIS with respect to this issue violates SEQRA.

**C. A SEIS is Required to Study the
Changed Socioeconomic Impacts**

The Planning Board's initial SEQRA review included analyses of the significant physical and environmental impacts and the presumably positive socioeconomic impacts which the Marketplace project would, during construction, and when completed, generate. It established that: (i) there would be large increases of traffic on local roads; (ii) all of the existing trees and vegetation would be needed to be removed; (iii) wetlands would need to be disturbed; and (iv) the entire site would need to be regraded, which would require extensive excavation and rock blasting. These are only some of the many substantial environmental impacts.

The SEQRA review also projected that the major mitigating and balancing factor would be the positive impact of large increases in tax revenue to governmental agencies, most particularly in the property tax revenues which would be generated. The Developer projected that, at build out the annual property taxes to be generated would be²:

Newburgh Enlarged City School District:	\$1,923,425
Town of Newburgh General fund and Highway Fund:	\$ 271,339
Orange County:	\$ 290,073
Orange Lake Fire District:	\$ 88,357 ³

The Developer relied on these alleged economic benefits to counterbalance the substantial adverse environmental impacts caused by the proposed development. These alleged economic benefits were cited to repeatedly during the public hearings and public review process

During the SEQRA process, the Planning Board relied on the anticipated tax benefits from the proposed project when issuing the 2007 Findings Statement. The

² Not included are the estimated taxes to be paid to the Consolidated Light and Water Districts, which would presumably not be affected by any IDA approval.

³ Source Table 3.7-2, The Marketplace at Newburgh, Draft Environmental Impact Statement "DEIS".)

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2007 Findings Statement includes a section entitled "Community Services and Socioeconomic Benefits" that expressly discussed the various tax benefits to be realized from the proposed development of the Marketplace at Newburgh project. The 2007 Findings Statement states as follows:

Tax revenues to the various jurisdictions into which the Project falls will take the form of increased property tax and increased sales tax revenues. The additional permanent jobs that are added to the local economy by the Project will also add to the other income tax revenues of the State and Federal governments.

The DEIS calculates a total projected increase in property taxes of \$2.5 million above existing site-generated revenues, a tax increase from \$136,637 to \$2,636,391 based on 2005 tax rates. The Project will provide a benefit of approximately \$1.9 million in revenues to the Newburgh Enlarged City School District without creating any burden on school services. Taxes would also accrue to the Town of Newburgh, Orange County, Orange Lake Fire District, Goodwill Fire District and the affected sewer and water districts. The projected revenues presented in the DEIS are based on current tax rates. With no changes in assessments, these rates are likely to increase over time.

...

As described below, no significant adverse impacts are anticipated as a result of the Project related to community service providers. Incremental costs associated with additional calls to these service providers would be expected to be offset by the taxes generated by the Project. The Project is not expected to result in adverse population or socioeconomic impacts. Estimated local property taxes and sales tax revenues will result in fiscal benefits for local taxing jurisdictions. No significant adverse impacts to the community services or the Town or Village tax base are

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anticipated. Therefore, no obligation measures are proposed related to taxes and fiscal conditions.

(Emphasis added). (2007 Findings Statement, p. 28-29).

As the Planning Board is aware, the developer has filed an application with the OCIDA seeking approximately \$9,900,000 in tax exemptions for property, mortgage and sale taxes. Thus, the property taxes to be received by the governmental jurisdictions cited in the Marketplace's 2006 DEIS will be sharply reduced by the substitution of a PILOT agreement which will "...represent only partial compensation to the local governments involved". This invalidates a major premise for the SEQRA Findings Statement and site plan approval of the project in the first place, i.e., the property and other tax benefits to be generated which would provide a public benefit to balance against the adverse impacts to the natural environment that will be experienced as a result of the development. In effect, the tax exemptions would be subverting the public policy determination made by the Planning Board when it approved this project.⁴

The municipal cost-benefit analysis considered by the Planning Board and contained in the DEIS, FEIS and 2007 Findings Statement can no longer be considered valid while the Developer continues to seek these tax benefits and make changes to the Site Plan that impact the underlying socioeconomic benefits. The proposed modification in tax benefits constitutes a potential significant adverse environmental impact which differs from what was studied in the DEIS and FEIS and addressed in the 2007 Findings Statement. As stated in the February 24, 2012 Memorandum from Bryant Cocks, the Planning Board must "consider the reduction in tax revenue", to each of these agencies, weigh it against the significant adverse environmental impacts that will result from the project and determine whether the benefits still outweigh the adverse impacts. The only appropriate way to conduct this review is through a SEIS to weigh the revised socioeconomic benefits against the adverse environmental impacts that will result from the Third Amended Site Plan.

Thus for the reasons set forth herein, it is improper to conclude the proposed modifications are "consistent" and "falls within" the Planning Board's prior SEQRA studies. The proposed modifications in the Third Amended Site Plan and requested

⁴ In addition, the impacts from tax exemption would have a direct negative impact on the Newburgh Mall and other retail establishments by allowing the Marketplace to lower its rents to below market level, resulting in tenants leaving the Newburgh Mall and other local shopping centers to go to the Marketplace and similar pirating of retailers from other areas.

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tax benefits will result in significant adverse traffic and fiscal impacts which were not previously studied in the Planning Board's prior SEQRA review. Accordingly, the preparation of a SEIS is warranted to ensure such impacts will be mitigated to the maximum extent practicable.

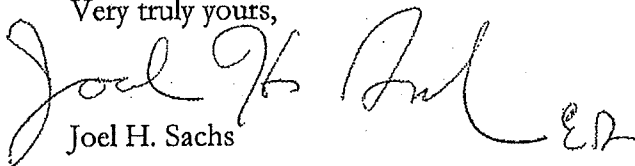
III. Due Process Violations

SEQRA mandates public involvement and public participation throughout the review process. Lead agencies are obligated to make the public fully aware of the evaluation process and afford the public a full and meaningful opportunity to participate in the process and criticize the project. *Ecology Action v. VanCort*, 99 Misc.2d 664, 417 N.Y.S.2d 165 (Sup. Ct. Tompkins Co. 1979); *Nash Metalware Co., Inc. v. Council of the City of New York*, 14 Misc.3d 1211(A), 836 N.Y.S.2d 487 (Sup. Ct. N.Y. Co. 2006) (holding that a principal aim of SEQRA is to assure environmental concerns are appropriately considered in a public manner and decisions relating to adverse environmental impacts are made by governmental agencies following proper disclosures and opportunity for participation by affected parties). The public failed to receive appropriate notice of the Third Amended Site Plan Application.

In addition, after learning the Developer submitted its Third Amended Site Plan application, a FOIL request was submitted on behalf of Newburgh Capital Group, LLC to the Town of Newburgh on February 8, 2012 seeking copies of documentation related to such application. Despite the passage of three (3) weeks and possible action by the Planning Board on the application at its March 1, 2012 meeting, none of the requested documents have been produced for inspection and the FOIL was not processed as required by law. This *de facto* denial of timely access to public records and the lack of adequate public notice of the pending application has prohibited our clients the time and opportunity to meaningfully participate in the SEQRA process and violated our clients' due process rights.

Thank you for your attention.

Very truly yours,


Joel H. Sachs

JHS/sb
Enclosure

KEANE & BEANE P.C.
ATTORNEYS AT LAW

Chairman John P. Ewasutyn and
Members of the Planning Board
February 29, 2012
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cc: Town Supervisor Wayne Booth & Members of the Town Board
(Via email- townsupervisor@hvc.rr.com)
Chairman James Petro and Members of the Orange County Industrial
Development Corporation (Via email-ida@orangecountygov.com)
Town Clerk Andrew Zarutskie (Via - town-clerk@hvc.rr.com)
Michael Donnelly, Esq., Attorney for Planning Board
(Via Email -michael.donnelly@dddblaw.com)
Newburgh Capital (Via Email)
Save Open Space (Via Email)

**ORANGE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

**County Government Center
255 Main Street
Goshen, New York 10924
Phone: 845-291-2700 Fax: 845-291-2724**

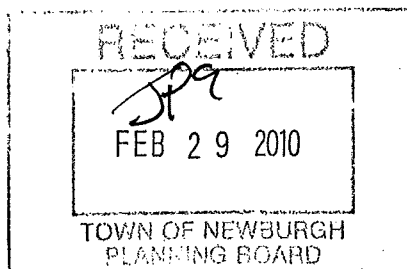
James Petro, Jr., Chairman
Robert Armistead, Vice Chairman
Mary Ellen Rogulski, Second Vice Chairman
Stephen Brescia, Secretary
John Steinberg, Jr., Assistant Secretary
Henry VanLeeuwen
Robert J. Schreiber, Sr.

James O'Donnell, Executive Director
Joel Kleiman, Chief Financial Officer
Philip A. Crotty, Attorney
Laurie Villasuso, Administrative Assistant

FILE COPY

February 29, 2012

Hon. Chairman John Ewasutyn
Town of Newburgh Planning Board
Town of Newburgh Town Hall
1496 Route 300
Newburgh, New York 12550



RE: The Marketplace at Newburgh

Dear Chairman Ewasutyn and Board Members:

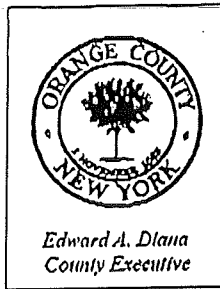
We are submitting this letter on behalf of the Orange County Industrial Development Agency ("OCIDA") with respect to the above-referenced matter. Please accept this letter as confirmation that OCIDA accepts an involved agency status in the New York State Environmental Quality Review ("SEQRA") process for the above-referenced matter, and has no objections to the Town of Newburgh Planning Board continuing its role as Lead Agency.

If you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

James O'Donnell, Executive Director

cc: James R. Petro, Jr., Chairman
Wilder-Balter Partners, Inc.
Michael Donnelly, Esq.
Russell E. Gaenzle, Esq.



FILE COPY

ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

RECEIVED

FEB 29 2010

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TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, &n

Local Referring Board: Town of Newburgh Planning Board

Referral ID #: NBT 39-11M

Applicant: Wilder Balter Partners, Inc.

Tax Map #: Multiple

Project Name: The Marketplace at Newburgh

Local File #: 2004-54

Proposed Action: Amended Site Plan and associated SEQRA findings.

Reason for County Review: Site Plan is within 500 feet of NYS Route 300, 52 and Interstate 84.

Date of Full Statement: February 28, 2012

This letter supersedes the County Planning Department GML 239 reply letter to the Town of Newburgh Planning Board dated January 17, 2012. Subsequent information has been received in regard to the "Full Statement" for this proposed action. The difference between the 1/17/2012 letter and this letter is the addition of a 4th advisory comment recommending a wired connection between traffic signals; Comments 1, 2 and 3 are unchanged.

Comments:

County Planning is in receipt of the GML §239 referral for the above referenced Site Plan and has found no evidence that significant inter-municipal or county-wide impacts would result from its approval. The Project Site is within one of the Counties' identified Priority Growth Areas; therefore development that is sensitive to the surrounding resources is encouraged. Our office would like to include the following as advisory comments:

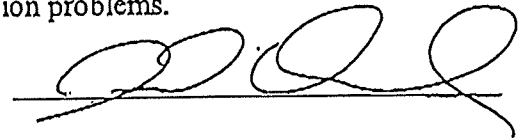
1. Our office recommends the Board consider potential impacts the change to the "Village Center" has on the previously approved area variance(s). There may be a possibility the variance(s) are now non-conforming and would require the Applicant to apply for enlarged or new variance(s).
2. Our office recommends the Board fully evaluate the impacts associated with allowing the Applicant to wait on the construction of the NYS Route 52/Fifth Avenue entrance to the Proposed Action. In the event future sales do not meet the 400,000 sq.ft. threshold, the developers goes bankrupt or out of business and the Town deems the third entrance necessary; the Board may wish to consider some type of protection, i.e. bond, etc., to ensure construction of the roadway, stormwater facilities and associated landscaping?

3. Although the vehicular circulation seems to be drastically improved in the "Village Center", the original intent of a pedestrian oriented development may have been lost. The Applicant has shown pedestrian connections throughout the Site Plan, only after crossing heavily traveled primary roadways. Additionally a significant amount of parking has been redesigned and incorporated between the storefronts of the "Village Center" diminishing the main street atmosphere. County Planning recommends that the Board review the changes to the "Village Center" in accordance with the originally approved plans and the intent of the "Village Center".

4. In the letter dated September 29, 2011 from John Collins Engineers regarding the traffic analysis for this project it is suggested that the traffic signals at Route 300 and the first internal intersection on Road A could be connected wirelessly. We strongly recommend that the applicant and the Town consider a wired connection. We make this recommendation based on our awareness of the problems with the wireless traffic control system along the Route 32/17 corridor in the Village of Woodbury between Woodbury Common and Larkin Drive. The communication between these signals malfunctions at times, causing traffic congestion. While this is only one of the factors which lead to congestion in the Route 32/17 corridor, it is known to us and we are told that a solution there is to wire the signal controllers together. Given that the Marketplace would be constructing a completely new access drive from Route 300, it would be relatively easy to specify a wired connection from the beginning to obviate any potential in the future of traffic congestion or other traffic issues stemming from wireless communication problems.

Date: February 29, 2012

Prepared by: Chad M. Wade, R.L.A.
Planner



David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

Town of Newburgh Planning Board

From: "Frank C. Pavia" <fpavia@HarrisBeach.com>
To: <planningboard@hvc.rr.com>; <bcocks@frontiernet.net>; <Michael.Donnelly@dddblaw.com>
Cc: <jbainlardi@WilderBalter.com>; <BWilder@WilderBalter.com>; <BBalter@WilderBalter.com>;
"Russell E. Gaenzle" <rgaenzle@HarrisBeach.com>; "Lori Palmer" <lpalmer@HarrisBeach.com>
Sent: Wednesday, February 29, 2012 3:00 PM
Attach: HBROC-#1769551-v1-Ltr_to_Town_re_SEQR_(executed)_(OCIDA_Marketplace_at_Newburgh).pdf
Subject: FW: Marketplace: IDA Application SEQRA Coordination
Chairman Ewasutyn and Messrs. Cocks and Donnelly,

Attached please find an electronic copy of the letter that was sent today to your attention by the Orange County IDA. If you have any questions, please feel free to contact me.

Frank

Frank C. Pavia
Partner

HARRIS BEACH PLLC

FILE COPY

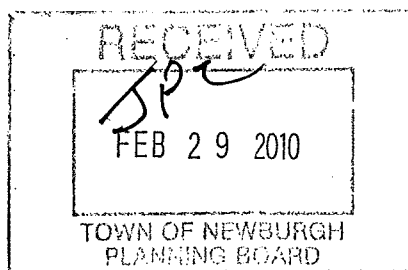
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585.419.8709 Direct
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585.419.8800 Main

Website | Bio | vCard

practiceGREEN

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From: John Bainlardi [mailto:jbainlardi@WilderBalter.com]
Sent: Wednesday, February 29, 2012 2:55 PM
To: Frank C. Pavia
Cc: Russell E. Gaenzle; Bob Wilder; Bill Balter
Subject: FW: Marketplace: IDA Application SEQRA Coordination

Thanks, Frank. Please email to the following individuals:

John Ewasutyn, Chairman: planningboard@hvc.rr.com

Bryant Cocks, Planner: bcocks@frontiernet.net

Michael Donnelly, Attorney: Michael.Donnelly@dddblaw.com

JOHN R. BAINLARDI
Senior Development Manager
WILDER BALTER PARTNERS, INC.
570 Taxter Road Sixth Floor
Elmsford, New York 10523
(914) 610-3638 (Office - Direct)
(914) 522-5744 (Cell Phone)
(914) 909-7328 (Facsimile)

From: Frank C. Pavia [mailto:fpavia@HarrisBeach.com]
Sent: Wednesday, February 29, 2012 2:28 PM
To: John Bainlardi; Russell E. Gaenzle
Cc: Bob Wilder; Bill Balter
Subject: RE: Marketplace: IDA Application SEQRA Coordination

Attached is the letter that went out today. Do you have an email address for the Planning Board so we

can send it out electronically?

Frank

Frank C. Pavia

Partner

HARRIS BEACH PLLC

ATTORNEYS AT LAW

99 Garnsey Road
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Website | Bio | vCard

p r a c t i c e G R E E N

Save a tree. Read, don't print, emails.

From: John Bainlardi [<mailto:jbainlardi@WilderBalter.com>]

Sent: Tuesday, February 28, 2012 2:37 PM

To: Russell E. Gaenzle

Cc: Bob Wilder; Bill Balter; Frank C. Pavia

Subject: RE: Marketplace: IDA Application SEQRA Coordination

Importance: High

Hello Russ,

Welcome back. A friendly reminder that the Town of Newburgh Planning Board is expecting a letter from the OCIDA regarding our pending application for financial assistance, which letter should state the IDA board's expectation to be included by the planning board as an involved agency. Our pending third amended site plan application has been placed on this Thursday's planning board agenda for consideration and possible action. We would appreciate it if you can get a letter to the planning board prior to this Thursday's meeting. Please copy me by email.

Thanks.

JOHN R. BAINLARDI

Senior Development Manager

WILDER BALTER PARTNERS, INC.

570 Taxter Road Sixth Floor
Elmsford, New York 10523
(914) 610-3638 (Office - Direct)
(914) 522-5744 (Cell Phone)
(914) 909-7328 (Facsimile)

From: Russell E. Gaenzle [<mailto:rgaenzle@HarrisBeach.com>]

Sent: Monday, February 27, 2012 6:42 PM

To: Bob Wilder

Cc: John Bainlardi; Bill Balter

Subject: Re: Marketplace IDA- Deviation Letter and Public Hearing Notice

This week. Back in office tomorrow

Harris Beach PLLC

99 Garnsey Road
Pittsford, New York 14534

Russell E. Gaenzle, Esq.

(o) 585-419-8718

(c) 585-259-4534

rgaenzle@harrisbeach.com

On Feb 27, 2012, at 3:27 PM, "Bob Wilder" <BWilder@WilderBalter.com> wrote:

Russ,

Welcome back. Last we spoke, when you returned from vacation , you were going to send out the Deviation Notice for the Marketplace and work with the IDA on the public hearing notice and publishing requirements. Please give us an update and a time table.

Thanks

Robert H. Wilder, Jr .
Wilder Balter Partners, Inc.
Direct: 914-610-3700
Cell: 914-907-4204

STATEMENT OF CONFIDENTIALITY

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