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TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS

PROJECT: THE RIDGE (f/k/a THE LOOP)
PROJECT NO.: 17-01
PROJECT LOCATION: RT.300 & RT.52 SECTION, BLOCK & LOT: MULTIPLE
REVIEW DATE: 12 JUNE 2017
MEETING DATE: 15 JUNE 2017
PROJECT REPRESENTATIVE: DIVNEY TUNG SCHWALBE, LLP

1. This office has reviewed a Fourth Amended Finding Statement for the project. This office takes no exception to the Finding Statement as prepared, however recommends that a copy of the original statements referenced in the document be attached which contains and outlines the various mitigation measures, findings and project history. The Finding Statements identified in the final paragraph of Section 3 should be attached based on the amount of time which has passed (greater than 10 years) from the initial findings. We recommend that this paper trail be attached to the most recent findings such that anyone reviewing or referring to the findings will have a complete history.

Respectfully submitted,

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

Patrick J. Hines
Principal

PJH/kbw

**THE RIDGE [f/k/a The LOOP and Marketplace at Newburgh] MARKETPLACE AT
NEWBURGH
FOURTH/THIRD AMENDED
FINDINGS STATEMENT**

State Environmental Quality Review Act

Pursuant to Article 8 of the New York Environmental Conservation Law - the State Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 N.Y.C.R.R. Part 617, the Town of Newburgh Planning Board, as Lead Agency, makes the following amended findings:

Name of Action: The Ridge [f/k/a The LOOP and Marketplace at Newburgh]

Description of Action: The instant action is for modifications to a previously approved site plan to facilitate development of a retail use on approximately 128.1± acre site. The applicant proposes to develop an IB Interchange Business zoned site on the northeast corner of Routes 84 and 300 opposite the Newburgh Mall with up to 70850,000 square feet of commercial floor area. See below for more detailed description of the proposed site plan modifications.

Location: The proposed development is located on NYS Route 300 (Union Avenue) north of the junction with US Interstate Highway 84 in the Town of Newburgh, Orange County, New York.

Lead Agency: Town of Newburgh Planning Board
Newburgh Town Hall
Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550
Contact: John Ewasutyn, Chairman
(845) 564-7804

SEQRA Classification: Type I

Date Final EIS Filed: March 15, 2007

Date Findings Adopted: May 3, 2007

Date of First Amendment to Findings (subdivision and signage): March 6, 2008.

Date of Second Amendment to Findings (well protocol, stormwater pollution prevention plan and groundwater recharge modifications): June 19, 2008

Date of SEQRA Consistency Determination (Amended Site Plan Approval):
September 16, 2010

Date of SEQRA Consistency Determination (Second Amended Site Plan Approval): November 18, 2010

Date of Third Amendment to Findings (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 commercial floor area): March 1, 2012

Date of SEQRA Consistency Determination (Fourth Amended Site Plan Approval):
April 17, 2015

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Date of SEQRA Consistency Determination (Fifth Amended Site Plan Approval):
September 17, 2015

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I. Background:

The Town of Newburgh Planning Board ("Planning Board") is SEQRA lead agency in connection with a request for site plan approval of a proposed retail shopping center known as "The Marketplace at Newburgh" ("Project"). On May 3, 2007, the Planning Board issued a SEQRA Findings Statement based upon its review and consideration of an Environmental Impact Statement prepared to assess the environmental impacts of the Project. A copy of that Findings Statement is attached hereto and is incorporated herein by reference.

On March 6, 2008 the Planning Board issued an amendment to the Findings Statement in connection with the Project Sponsor's submission of a comprehensive signage plan and its request for subdivision of the parent Project parcel to accommodate the needs of several Project tenants to hold fee title to their development sites. A copy of that Amended Findings Statement is attached hereto and incorporated herein by reference.

On June 19, 2008, the Planning Board issued a second amendment to the Findings Statement necessitated by 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. A copy of that Second Amended Findings Statement is attached hereto and incorporated herein by reference.

On September 16, 2010, the Planning Board issued a SEQRA Consistency Determination in connection with the Project Sponsor's first application for amended site plan. A copy of that SEQRA Consistency Determination is attached hereto and incorporated herein by reference.

On November 18, 2010, the Planning Board issued a SEQRA Consistency Determination in connection with the Project Sponsor's second application for amended site plan. A copy of that SEQRA Consistency Determination is attached hereto and incorporated herein by reference.

On March 1, 2012, the Planning Board issued a third amendment to the Findings Statement in connection with the Project Sponsor's third application for amended site plan. A copy of that Third Amended Findings Statement is attached hereto and incorporated herein by reference.

On April 17, 2015, the Planning Board issued a SEQRA Consistency Determination in connection with the Project Sponsor's fourth application for amended site plan. A copy of that SEQRA Consistency Determination is attached hereto and incorporated herein by reference.

On September 17, 2015, the Planning Board issued a SEQRA Consistency Determination in connection with the Project Sponsor's fifth application for amended site plan. A copy of that SEQRA Consistency Determination is attached hereto and incorporated herein by reference.

II. Proposed Site Plan Modifications and Findings

The Project Sponsor has recently made a ~~sixth~~^{third} application for amended site plan approval via letter dated ~~December 19, 2016~~^{October 26, 2014}, requesting Planning Board approval of the following modifications:

Change in grading elevations to balance the site while reducing the amount of drilling/blasting and earthwork impacts.

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Change in building footprints and associated drives and parking areas.

Change in 10' high sound barrier fence location behind Building A1 (Shop-rite) and addition of buffer landscaping.

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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 floor area;

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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.

~~(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 commercial floor area;~~

(ii)

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~~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.~~

As a consequence of these changes, the Board deems it appropriate to amend the SEQRA Findings Statement to specifically address the Project modifications proposed by the ~~December 19, 2016~~ October 26, 2014 application for site plan amendment.

The purpose of these amended Findings is to describe the required modifications and to set forth the Board's determination as to whether such modifications present the potential for any significant adverse environmental impacts requiring further environmental review.

Findings: The Planning Board has reviewed and considered the individual components of the ~~sixth~~ third modification to the site plan as described in the ~~December 19, 2016~~ October 26, 2014 letter ~~from Wilder Balter Partners~~ and as shown on the multiple drawings submitted therewith. As a consequence of such review, including review by the Planning Board's professional consultants, the Planning Board finds that the modifications present no substantive changes to the overall impacts of the project, including, but not limited to, land disturbance, impervious surfaces, stormwater runoff, utilities, community services, visual issues, ecological or other issues examined in the prior SEQRA record.

In support of the traffic related aspects of the proposed modifications set forth above, a traffic study dated ~~April 5, 2017~~ September 22, 2014, prepared by ~~Maser Consulting P.A. John Collins Engineers, P.C.~~, was submitted to the Town and its professional traffic consultant which analyzes the proposed modifications with specific reference to the extensive SEQRA review of this project previously conducted by the Planning Board, supplemented by additional data and analysis. The traffic study found that the modifications, as proposed, were consistent with prior SEQRA studies and would not result in adverse impacts to traffic. The Planning Board's professional traffic consultant concurred with ~~the Maser Consulting's John Collins Engineer's~~ study.

~~In addition, as a further mitigation measure, the applicant has agreed to monitor the Route 52/Fifth Avenue intersection after (i) completion and occupancy of the first 200,000 square feet of commercial floor area; and (ii) after completion and occupancy of 320,000 square feet of 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. 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 improvements are warranted, the applicant has agreed to implement such improvements.~~

III. Effect on Previous Findings:

The original SEQRA Finding Statement with which incorporated the Developer's proposal to complete all three entranceways before issuance of the first certificate of occupancy for retail space as a specifically identified mitigation measure. See, Section "F" [Traffic and Transportation]. That mitigation measure is hereby rescinded and replaced with the following:

- 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.
- No certificates of occupancy will be issued for any structures beyond a total of **53400,000** square feet until all three proposed entranceways have been completed to the satisfaction of the Town of Newburgh Code Compliance Department.

The Findings Statement issued by the Planning Board on May 3, 2007, the Amendment to Findings Statement issued by the Planning Board on March 6, 2008, ~~and~~ the Second Amended Findings Statement issued by the Planning Board on June 19, 2008, the Third Amended Findings Statement issued by the Planning Board on March 1, 2012, a SEQRA Consistency Determination on April 17, 2015, a SEQRA Consistency Determination on September 17, 2015 as well as all of their findings, mitigation measures and conditions remain in full force and effect except as may be modified herein.

IV. Certification of Amended Findings

Having considered the Draft and Final EIS, and having considered the written facts and conclusions and specific findings contained herein as well as the original findings and amended findings and SEQRA consistency determinations incorporated by reference herein, all relied upon to meet the requirements in the of 6 N.Y.C.R.R. Part 617, this Amended Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;

2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and

3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Dated: ~~June~~ , 2017 ~~March 1, 2012~~

Town of Newburgh Planning Board
Newburgh Town Hall
Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550

By: John P. Ewasutyn, Planning Board Chairman

RESOLUTION OF APPROVAL

SITE PLAN

SIXTHFOURTH AMENDED

FOR

WB INTERCHANGE ASSOCIATES LLC,

RIDGE HUDSON VALLEY, LLC

THE RIDGE [F/K/A THE MARKETPLACE & THE LOOP]

~~WILDER-BALTER PARTNERS, INC., THE MARKETPLACE AT
NEWBURGH, LLC AND WB INTERCHANGE ASSOCIATES, LLC~~

~~[THE MARKETPLACE - THE LOOP]~~

PROJECT # 2017-01 [2004-54]2004-54

Nature of Application

~~WB Interchange Associates, LLC, Wilder-Balter Partners, Inc., The Marketplace at Newburgh, LLC and WB Interchange Associates, LLC [The Marketplace - The Loop]~~ Ridge Hudson Valley, LLC [The Ridge (f/k/a The Loop)] hasve applied for approval of a SixthFourth Amended Site Plan in relation to property identified herein that has already received site plan approval permitting the use of that property for a retail shopping center. The site plan amendment sought will allow the following modifications to the currently approved plans:

➤ Change in grading elevations to balance the site while reducing the amount of drilling/blasting and earthwork impacts.

➤ Change in building footprints and associated drives and parking areas.

➤ Change in 10' high sound barrier fence location behind Building A1 (Shop-rite) and addition of buffer landscaping.

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➤ ~~removal from the plans of a proposal to defer~~Deferral of construction of the Project's Route 52/Fifth Avenue access road improvements until the Project build out exceeds 53400,000 square feet of commercial floor area;

➤ 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.

➤ —

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➤ ~~a shift of the "big box" buildings (currently approved for the north-easterly portion of the shopping center) away from the property boundary with the residential neighborhood and a corresponding realignment of the internal roadway;~~

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Newburgh as parcel(s) 60-3-41.3, 60-3-41.4, 60-3-48, 60-3-49.1, 60-3-49.22, 71-4-8, 71-4-9, 71-4-10, 71-4-11, 71-4-12, 71-4-13, 71-4-14, 71-5-9, 71-5-15, 71-5-16, 97-1-13.3 and 97-1-20.3. The following parcels (the "DOT parcels") are also affected by this resolution: Map 746, parcels 1142 and 1143; and Map 747, parcels 1144 and 1145.

Zoning District

The property affected by this resolution is located in the IB and R-3 zoning district of the Town of Newburgh.

Plans

The ~~Sixth~~Fourth Amended Site Plan and other materials considered by the Planning Board include the following:

1. Completed application form and Environmental Assessment Form.

2. A Draft and Final Environmental Impact Statement.
3. The SEQRA Findings Statement issued by the Planning Board.
4. Various memoranda and correspondence from the Planning Board's consultants.
5. Plans prepared for WB Interchange Associates LLC, The Ridge Hudson Valley, LLC, Wilder Balter Partners, Inc., The Marketplace at Newburgh, LLC and ~~WB Interchange Associates, LLC [The Marketplace—The Loop]~~ as follows:

Site Plan Drawings

Sheet-No.	Description	Drawing Scale	Last Re-vised	Prepared By:
---	Cover Sheet	As Shown	2/25/14	DTS
MM-1	Mitigation Measures	---	6/15/07	TMA
SP-1.0	Overall Site Plan	1" = 100'	2/25/14	DTS
SP-1.1	Layout Plan (Village Center, Bldgs. A, 1 & 2 and Rt. 300 Access)	1" = 50'	2/25/14	DTS
SP-1.2	Layout Plan (Buildings B, D, and D)	1" = 50'	2/25/14	DTS
SP-1.3	Layout Plan (Rt. 52/I-84 Exit 8 Access)	1" = 50'	2/25/14	DTS
SP-1.4	Layout Plan (Building A and Rt. 52/ Meadow Ave Access)	1" = 50'	2/25/14	DTS
SP-1.5	Demolition Plan	1" = 30'	12/6/07	DTS
SP-1.6	Paving Plan	1" = 100'	10/12/11	DTS
SP-1.7	Truck Circulation Plan	1" = 100'	2/25/14	DTS
SP-1.8	Layout Plan (Brookside Avenue)	1" = 30'	4/2/08	DTS

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SP-3.8	Water Profiles	1"=50' Hori.; 1"=5' Vert.	6/19/08	DTS	Formatted: Left, Space Before: 18 pt, After: 6 pt, Tab stops: Not at 3" + 6" Formatted: Space Before: 18 pt, After: 6 pt, Tab stops: Not at 3" + 6" Formatted ... [52]
SP-4.0	Landscape Plan	1" = 100'	2/25/14	TMA	Formatted ... [53] Formatted ... [54] Formatted ... [55]
SP-5.1	Storm & Sanitary Details	NTS	5/8/08	DTS	Formatted ... [56] Formatted ... [57] Formatted ... [58]
SP-5.2	Site Details	NTS	5/8/08	DTS	Formatted ... [59] Formatted ... [60] Formatted ... [61]
SP-5.3	Site Details	NTS	5/8/08	DTS	Formatted ... [62] Formatted ... [63] Formatted ... [64]
SP-5.4	Water Main Details	NTS	4/29/08	DTS	Formatted ... [65] Formatted ... [66] Formatted ... [67]
SP-5.5	Water Quality and Detention Basin Sections and Details	NTS	11/4/10	DTS	Formatted ... [68] Formatted ... [69] Formatted ... [70]
SP-5.6	Water Quality and Detention Basin Outlet Control Devices	NTS	11/4/10	DTS	Formatted ... [71] Formatted ... [72] Formatted ... [73] Formatted ... [74]
SP-6.0	Erosion & Sediment Control Plan	1" = 100'	2/25/14	DTS	Formatted ... [75] Formatted ... [76] Formatted ... [77]
SP-6.1	Erosion Control Details	NTS	5/8/08	DTS	Formatted ... [78] Formatted ... [79] Formatted ... [80]
SP-7.1	Lighting Plan (Sheet 1 of 4)	1" = 50'	2/25/14	WLS	Formatted ... [81] Formatted ... [82] Formatted ... [83]
SP-7.2	Lighting Plan (Sheet 2 of 4)	1" = 50'	2/25/14	WLS	Formatted ... [84] Formatted ... [85] Formatted ... [86]
SP-7.3	Lighting Plan (Sheet 3 of 4)	1" = 50'	2/25/14	WLS	Formatted ... [87] Formatted ... [88] Formatted ... [89]
SP-7.4	Lighting Plan (Sheet 4 of 4)	1" = 50'	2/25/14	WLS	Formatted ... [90] Formatted ... [91]

SP-8.0	Traffic Signal Plan Road A & Road B	1" = 20'	2/25/14	MC
SP-8.1	Traffic Signal Plan Road A & Road D	1" = 20'	2/25/14	MC

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TMA—Tim Miller Associates

CC—The Chazen Companies

WLS—WLS Lighting Systems—

MC—Maser Consulting

LIST OF DRAWINGS

Site Plan Drawings

<u>Sheet No.</u>	<u>Description</u>	<u>Drawing Scale</u>	<u>Last Re-vised</u>	<u>Prepared By:</u>
---	Cover Sheet	As Shown	02/21/17	DTS
MM-1	Mitigation Measures	---	05/15/07	TMA
SP-0.1	Master Plan Development	1" = 100'	02/21/17	DTS
SP-1.0	Overall Site Plan	1" = 100'	05/04/17	DTS
SP-1.1	Layout Plan (Village Center and Rt. 300 Access)	1" = 50'	05/04/17	DTS
SP-1.2	Layout Plan (Buildings C1, C2, and D2)	1" = 50'	05/04/17	DTS
SP-1.3	Layout Plan (Road F and Quassaic Creek Crossing)	1" = 50'	05/04/17	DTS
SP-1.4	Layout Plan (Building A1-A9 and Rt. 52/Meadow Ave. Access)	1" = 50'	05/04/17	DTS
SP-1.5	Demolition Plan	1" = 30'	04/04/17	DTS
SP-1.6	Paving Plan	1" = 100'	02/21/17	DTS
SP-1.7	Truck Circulation Plan	1" = 100'	04/04/17	DTS
SP-1.8	Layout Plan (Brookside Avenue)	1" = 30'	04/04/17	DTS
SP-2.1	Grading & Utility Plan	1" = 50'	02/21/17	DTS
SP-2.2	Grading & Utility Plan	1" = 50'	02/21/17	DTS
SP-2.3	Grading & Utility Plan	1" = 50'	04/04/17	DTS
SP-2.4	Grading & Utility Plan	1" = 50'	02/21/17	DTS
SP-3.0	Roadway Profiles	1" = 100'/20'	04/04/17	DTS
SP-3.1	Storm Profiles	1" = 100'/20'	02/21/17	DTS
SP-3.2	Sewer Profiles	1" = 100'/20'	02/21/17	DTS
SP-3.3	Water Profiles	1" = 100'/20'	02/21/17	DTS
SP-4.0	Landscape Plan	1" = 100'	05/03/17	TMA
SP-5.1	Storm & Sanitary Details	NTS	08/22/08	DTS
SP-5.2	Site Details	NTS	08/22/08	DTS
SP-5.3	Site Details	NTS	08/22/08	DTS
SP-5.4	Water Main Details	NTS	08/22/08	DTS

<u>SP-5.5</u>	<u>Water Quality and Detention Basin Sections and Details</u>	<u>NTS</u>	<u>02/21/17</u>	<u>DTS</u>
<u>SP-5.6</u>	<u>Water Quality and Detention Basin Outlet Control Devices</u>	<u>NTS</u>	<u>02/21/17</u>	<u>DTS</u>
<u>SP-5.7</u>	<u>Storm Sewer Schedule</u>	<u>NTS</u>	<u>02/21/17</u>	<u>DTS</u>
<u>SP-6.0</u>	<u>Erosion & Sediment Control Plan</u>	<u>1" = 400'</u>	<u>02/21/17</u>	<u>DTS</u>
<u>SP-6.1</u>	<u>Erosion Control Details</u>	<u>NTS</u>	<u>08/22/08</u>	<u>DTS</u>
<u>SP-7.1</u>	<u>Lighting Plan (Sheet 1 of 4)</u>	<u>1" = 50'</u>	<u>02/21/17</u>	<u>CHA</u>
<u>SP-7.2</u>	<u>Lighting Plan (Sheet 2 of 4)</u>	<u>1" = 50'</u>	<u>02/21/17</u>	<u>CHA</u>
<u>SP-7.3</u>	<u>Lighting Plan (Sheet 3 of 4)</u>	<u>1" = 50'</u>	<u>02/21/17</u>	<u>CHA</u>
<u>SP-7.4</u>	<u>Lighting Plan (Sheet 4 of 4)</u>	<u>1" = 50'</u>	<u>02/21/17</u>	<u>CHA</u>
<u>SP-8.0</u>	<u>Traffic Signal Plan Road A & Road B Intersection</u>	<u>1" = 20'</u>	<u>04/04/17</u>	<u>MC</u>
<u>SP-8.1</u>	<u>Traffic Signal Plan Road A & Road D Intersection</u>	<u>1" = 20'</u>	<u>02/21/17</u>	<u>MC</u>

Landscape Drawings

<u>Sheet No.</u>	<u>Description</u>	<u>Drawing Scale</u>	<u>Last Re-vised</u>	<u>Prepared By:</u>
<u>LA-D.1</u>	<u>Landscape Plan</u>	<u>1" = 60'</u>	<u>04/14/17</u>	<u>TMA</u>
<u>LA-D.2</u>	<u>Landscape Plan</u>	<u>1" = 60'</u>	<u>05/03/17</u>	<u>TMA</u>
<u>LA-D.3</u>	<u>Landscape Plan</u>	<u>1" = 60'</u>	<u>05/03/17</u>	<u>TMA</u>
<u>LA-D.4</u>	<u>Landscape Plan</u>	<u>1" = 60'</u>	<u>05/03/17</u>	<u>TMA</u>
<u>LA-D.5</u>	<u>Landscape Plan</u>	<u>1" = 60'</u>	<u>04/14/17</u>	<u>TMA</u>
<u>LA-D.6</u>	<u>Landscape Details</u>	<u>NTS</u>	<u>05/03/17</u>	<u>TMA</u>
<u>LA-D.7</u>	<u>Landscape Details</u>	<u>NTS</u>	<u>02/21/17</u>	<u>TMA</u>

Legend

DTS Divney Tung Schwalbe

TMA Tim Miller Associates

CHA Charron Inc.

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History

DATE OF APPLICATION

The original application was filed with the Planning Board on July 15, 2004. Preliminary site plan approval was granted on October 4, 2007 and final site plan approval was granted on June 19, 2008. Subdivision approval was

granted on May 29, 2008. A first amended site plan approval was granted on September 16, 2010 and a second amended site plan approval was granted on November 18, 2010. An application for third amended site plan approval was submitted in October of 2011 and approved on March 1, 2012. An application for fourth amended site plan approval was submitted in January of 2014 and approved on April 17, 2014. An application for fifth amended site plan approval was submitted on May 8, 2015 and approved on September 17, 2015. This application for ~~sixth~~fourth amended site plan approval was submitted ~~on in December 19, 2016~~January of 2014.

PUBLIC HEARING

A simultaneous SEQRA/Site Plan public hearing on the original site plan application was convened on June 1, 2006 and closed on June 29, 2006. A public hearing on the subdivision application was held on May 29, 2008.

~~A simultaneous SEQRA/Site Plan public hearing on the sixth amended site plan was convened on June 1, 2017 and closed on June , 2017. The Planning Board—given the nature of the amendments proposed and the number and extent of earlier public hearings—has elected not to hold a further public hearing on this fourth amended site plan proposal.~~

SEQRA

On October 14, 2004, a full Environmental Assessment Form (EAF) application for the proposed Project (initially referred to as Crossroads at Newburgh), was submitted to the Town of Newburgh Planning Board (the "Planning Board," the "Board"). The Planning Board determined that the proposed activity was a Type I action and the Board established itself as lead agency on December 9, 2004. Subsequently, the Applicant prepared and submitted an Environmental Impact Statement ("EIS") for the Project.

On February 10, 2005, in cooperation with all other involved agencies and interested parties and subsequent to a public scoping meeting held on January 13, 2005, the Planning Board adopted a final scoping document designating the

potentially significant environmental impacts to be addressed in the Draft Environmental Impact Statement ("DEIS") for the Project. The accepted scope outlining the information to be covered in the DEIS is provided in Appendix A of the DEIS. The DEIS was originally submitted to the Town of Newburgh on November 23, 2005.

Based upon comments received from the Lead Agency, the applicant submitted a revised DEIS to the Planning Board on January 3, 2006; additional revisions were made and the DEIS submitted again on April 4, 2006. On May 4, 2006, the Planning Board accepted the DEIS as complete with respect to its scope, content and adequacy and issued a Notice of DEIS Completion and Notice of Public Hearing and caused the DEIS to be filed with all involved agencies. The Planning Board conducted a Public Hearing on the DEIS on June 1, 2006. This hearing was continued on June 29, 2006, and the open public comment period was extended to July 31, 2006.

In response to the comments to the DEIS, the applicant modified the proposed project and Site Plan by incorporating elements of several of the alternatives discussed in the DEIS.

A Final Environmental Impact Statement ("FEIS"), including project revisions and a response to all substantive comments, was prepared and accepted by the Board as complete on March 15, 2007. A Notice of Completion and the FEIS was filed with all involved agencies on March 15, 2007.

A SEQRA Findings Statement was thereafter issued and was filed with all involved agencies on May 3, 2007.

On March 6, 2008 the Planning Board issued an amendment to the Findings Statement in connection with the Project Sponsor's submission of a comprehensive signage plan and its request for subdivision of the parent Project parcel to accommodate the needs of several Project tenants to hold fee title to their development sites. That Amended Findings Statement is incorporated herein by reference.

On June 19, 2008, the Planning Board issued a second amendment to the Findings Statement necessitated by 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. A copy of that Second Amended Findings Statement is incorporated herein by reference.

On September 16, 2010, the Planning Board issued a SEQRA Consistency Determination in connection with the Project Sponsor's first application for amended site plan. A copy of that SEQRA Consistency Determination is incorporated herein by reference. A first amended site plan approval was granted on that date.

On November 18, 2010, the Planning Board issued a SEQRA Consistency Determination in connection with the Project Sponsor's second application for amended site plan. A copy of that SEQRA Consistency Determination is incorporated herein by reference. A second amended site plan approval was granted on that date.

An application for a third amended site plan was reviewed in 2012. That application included a proposal (now abandoned) to defer construction of the Project's Route 52/Fifth Avenue access road improvements until the Project build out exceeded 400,000 square feet of commercial floor area. Because the project as originally approved included no provision for phasing (and the Findings Statements incorporated that no-phasing proposal into its commands), a Third Amended SEQRA Findings Statement—authorizing the phasing of this project—was issued on March 1, 2012. A third amended site plan approval was granted on that date.

An application for fourth amended site plan was reviewed in 2015 and on April 17, 2015, the Planning Board issued a SEQRA Consistency Determination in connection with the Project Sponsor's fourth application for amended site plan.

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An application for fifth amended site plan was reviewed in 2015 and on September 17, 2015, the Planning Board issued a SEQRA Consistency Determination in connection with the Project Sponsor's fifth application for amended site plan.

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The Planning Board has now reviewed the plans supporting this application for a ~~sixth~~fourth amended site plan approval, the written submissions from the applicant and the review comments of the board's consultants. The Planning Board finds, after review of all of those materials, that the ~~sixth~~fourth amended site plan proposal does not significantly change the basic concept of the original approval and falls within what was contemplated by the earlier Environmental Impact Statement. No adverse environmental impacts not studied in the FEIS are presented by the proposal. ~~However, because the project provision for deferral of the Project's Route 52/Fifth Avenue access road improvements, which was previously approved pursuant to the third amendment to the Findings but was removed pursuant to the Fourth Amended Site Plan, a Fourth SEQRA Findings Statement – authorizing the deferral of Project's Route 52/Fifth Avenue access road improvements until the Project build out exceeds 530,000 square feet was issued on June , 2017. A SEQRA Consistency Determination is, therefore, issued simultaneously with this site plan approval.~~

GML 239 Referral

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has recommended approval subject to adherence to two comments contained within its report; those comments being 1 and 2. The Planning Board has reviewed that report and recommendation and makes the following determination in regard thereto:

- The recommendation contained within comment 1 has been fully incorporated into this approval and addressed (see condition # 6, below).
- The recommendation contained within comment 2 has been fully incorporated into this approval and addressed (see condition # 7, below).
- The remaining advisory recommendations have been considered and have been incorporated into this approval as warranted.

Findings

The Planning Board has determined that approval of this SixthFourth Amended Site Plan will substantially serve the public convenience, safety and welfare; and will not otherwise be unduly detrimental to the public health, safety, comfort convenience or welfare, subject to compliance in full with conditions hereinafter imposed pursuant to Section 185-57 (H).

Moreover, the Planning Board finds that the modifications proposed do not significantly change the basic concept of the original approval and fall within what was contemplated by the earlier Environmental Impact Statement and SEQRA Findings. All potential environmental impacts of this project were adequately addressed during that earlier environmental review and no new impacts will result from this sixthfourth amended site plan proposal. In this regard, the sixthfourth amended site plan proposes to reduce the project's GLA to 700,000 sq. ft., similar to the fourth amended site plan, (a 17.6% reduction from the 850,000 sq. ft. plan reviewed during the SEQRA process and a 10.7% reduction from the 784,000 sq. ft. third amended site plan). Additionally, the sixthfourth amended site plan, similar to the fourth amended site plan, if approved, will result in a substantial 5-acre reduction in impervious surfaces and a 9-acre reduction in disturbance to forested lands as shown on the attached graphic. In further adherence to the Findings, (i) the proposed site plan revisions will not result in greater building square footage or impervious surfaces than previously reviewed (as detailed above), (ii) the proposed uses on the site are permitted by current zoning and are the same as reviewed during the SEQRA process, (iii) the buffers have not been decreased and in some cases have actually been significantly increased to the benefit of the Hilltop Avenue residences, (iv) the limits of disturbance shown on the grading plan have not been expanded (but have been substantially reduced as detailed above), (v) the three access points remain as approved, and (iv) the size of the lifestyle center component of the project has not been reduced below 100,000 square feet.

Thus, this sixthfourth amended site plan proposal is within the scope of

the earlier environmental review and is not prohibited by any SEQRA Findings (as amended). However, because the project provision for deferral of the Project's Route 52/Fifth Avenue access road improvements, which was previously approved pursuant to the third amendment to the Findings but was removed pursuant to the Third Amended Site Plan, a Fourth SEQRA Findings Statement – authorizing the deferral of Project's Route 52/Fifth Avenue access road improvements until the Project build out exceeds 530,000 square feet was issued on June , 2017.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve this ~~Sixth~~^{Fourth} Amended Site Plan as said proposal is depicted on the plans identified above upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. The plans shall not be signed until receipt of a letter from Creighton Manning Engineering, the town's Traffic Engineers, certifying that the plans have been modified in accordance with his comment memo ~~of April 15, 2014.~~
2. The plans shall not be signed until receipt of a letter from the Planning Board Engineer certifying that the plans have been modified in accordance with his comment memos.
3. Except as modified herein, all conditions attached to the earlier grants of site plan and subdivision approval are to remain in effect and this approval is subject to, and conditioned upon satisfaction of same as if those conditions were set forth herein at length.

4. All mitigation measures proposed within the EIS or announced within the SEQRA Findings Statement issued by this board (with amendments) are hereby made conditions of this approval as if those mitigation measures were set forth herein at length.
5. All conditions attached to a grant of variance issued by the Town of Newburgh Zoning Board of Appeals on March 27, 2008 are made a part of this approval and this approval is subject to the same as if those conditions were set forth herein at length.
6. The Applicant ~~has shall~~ contacted and work with Transit Orange ~~via its website at www.transitorange.info or via the transit planners in the County Planning office at (845) 615-3850~~ in order to discuss an internal bus route on the project site, but Transit Orange indicated that the extending the bus route into the project site is not feasible. The Applicant will discuss the feasibility of open the discussion with the transit operators with regard to providing accommodations for a local bus service stop at the Route 300 entrance with NYSDOT. and related services. Should those discussions result in changes to the site plan in either the location or configuration from what is shown on the plans, the applicant must return to the planning board for further review. The Applicant shall copy the Planning Board on all correspondence sent to or received from Transit Orange.
7. The Applicant ~~has shall~~ contacted and met with the New York State Department of Transportation to ~~begin a detailed discussion~~ relating to the addition of pedestrian facilities along the state highways serving this project and as a result of such meeting, Applicant has made an additional sidewalk connection along Route 300 toward the adjacent property. In addition, the

~~Applicant has provided the County with additional detailed pedestrian sidewalk plans and pedestrian friendly design features. Should these discussions result in changes in either the location or configuration from what is shown on the plans, the applicant must return to the planning board for further review.~~ The Applicant shall copy the Planning Board on all correspondence sent to or received from the New York State Department of Transportation.

Entranceway Construction Deferral Removal

~~8.—The proposal to delay construction of all roadway interconnections to a future date incorporated into the third amended site plan approval has been abandoned and authorization to defer that construction is hereby rescinded.~~

~~9.8.~~ Conditions numbered #41 [fair share traffic improvement contribution], #42 [traffic monitoring program deposit], #43 [traffic management plan participation] and #46 [lifestyle center commitment] shall remain in effect and are not in any fashion modified by this ~~sixth~~ **fourth** amended site plan approval.

Architectural Review Board Approval

~~10.9.~~ No building permit shall be issued authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board for the ShopRite building, nor shall any certificate of occupancy be issued for any structures constructed except in conformance with such renderings. Karen Arent, the Town's Landscape Architect, shall review the building plans when submitted to the Building Department in order to insure compliance with the approved architectural renderings. Karen Arent, the Town's Landscape Architect, shall also inspect the work before a certif-

icate of occupancy is issued to insure compliance with the approved architectural renderings. No other buildings have, thus far, received ARB approval.

44.10. As set forth in the SEQRA Findings Statement, all future architectural development of the site must 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. All architectural development shall be in accordance with approved conceptual architectural plans contained within the Architectural Design Package (pages 1 – 13), dated December 19, 2016 prepared by HFA Allevato [SW-1 – SW-5 and PF-1 – PF-6]. The entire site must be designed as a pedestrian-oriented environment and will include pedestrian amenities such as benches. The lifestyle center will feature decorative sidewalks internal to the complex and various pedestrian amenities including café tables and chairs, benches, etc. 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. Its sense of “downtown” character also provides a focus, a sense of scale and a public amenity that is pleasing and that greatly limits the visual impact that would result were there no lifestyle center component to the project. Specific site plan elements, including conformance with the architectural guidelines, signage, pedestrian circulation, awning details and street furniture, will be reviewed by the Planning Board either as part of future amended site plan applications or by way of ARB review of individual buildings.

12.11. Final architectural approval for each future building is hereby reserved until detailed plans are received that show all required building-specific elements including (but not limited to) elevation views of all four sides of the building with all materials shown, proposed colors of all materials, sizes of building elements, signage in accordance with site plan and the comprehensive sign plan Mechanical and air conditioner compressor units and screening of these units must be illustrated (screening can include the setting of the units back far enough from the roof wall to be out of public view). A plan view of each building must be presented for final architectural approval including streetscape design that shows pavement patterns and planting spaces. Planting plans for each building must be submitted with plant lists that specify botanical and common names, quantities and sizes of each proposed plant.

Landscape Security & Inspection Fee

13.12. Landscape security and inspection fees are required to be posted under other resolutions of approval (including the simultaneous ShopRite ARB resolution); therefore, no additional requirement for same is set forth in this resolution.

14.13. Approval of future individual building-specific ARB applications may require the posting of additional performance security not included in that established in the original resolution of approval. The amount of any such security shall be in an amount to be fixed by the town board upon recommendation of the town's landscape consultant. A separate inspection fee in an amount in accordance with Section 104-2 (G)(6) shall be submitted and deposited in an escrow account to cover the cost of the Town's Landscape Architect services. While the town board may defer posting of the performance security, the appli-

cant shall be required to pay the required landscaping security to the town before the plans are signed.

~~15.14.~~ This approval is conditioned upon the applicant executing a stormwater control facility maintenance agreement as required by Section 157-11(K) of the Code of the Town of Newburgh in order to ensure the long term maintenance and proper operation of the stormwater facilities shown on the plans. The plans shall not be signed until that agreement has been executed.

Outdoor Fixtures & Amenities

~~16.15.~~ This ~~sixth~~^{fourth} amended site plan approval allows construction of only that which is shown on the plans identified above. No outdoor amenities or accessory structures or outdoor fixtures—including but not limited to exterior walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.

General Conditions

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Newburgh Building Department. A full set of the plans to be signed shall simultaneously be submitted to the Planning Board Engineer. The plans shall not be signed until the Planning Board Engineer has reported to the Chair that all conditions of this resolution required to be satisfied before the plans can be signed have, in fact, been satisfied.

This approval is further conditioned upon the applicant delivering (prior to

signing of the plans) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The applicant shall also be required to deliver proof that all required Public Improvement, Erosion Control and Landscaping inspection fees and escrow have been deposited with the Town. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid and escrow deposits made.

Approval of the final site plan shall, pursuant to Section 185-58 (E) of the Zoning Ordinance, be valid for two years from the date this resolution is filed in the office of the Town Clerk, after which time this approval shall be null and void unless a building permit has been issued. If no building permit has been issued within that time, the plan must be resubmitted to the Planning Board for approval.

A FAILURE to comply with the general condition immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor 6 Against 0 Vacant 1 Absent

Dated: ~~April 17, 2014~~ June , 2017

JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

STATE OF NEW YORK)
)ss:
COUNTY OF ORANGE)

I, JOHN P. EWASUTYN, Chairman of the Planning Board of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Resolution maintained in the office of the Town of Newburgh Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on ~~April 17, 2014~~ June , 2017.

JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

I, ANDREW J. ZARUTSKIE, Clerk of the Town of Newburgh, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on _____.

ANDREW J. ZARUTSKIE, CLERK
TOWN OF NEWBURGH

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