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LEAD

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**From:** Judy Bayer [mailto:jbayer@normandy.com]

**Sent:** Thursday, August 12, 2010 3:58 PM

**To:** jim.haywood@randrealty.com

**Subject:** previous interested parties

Fyi - the people below signed in at the f/c sale in 4/10. They did not bid but perhaps may still be interested in the property. Just thought I would pass it on.

Manuel Amorim  
2 Nicholas Ct  
Annandale, NJ 08801  
732-236-3100

Tina Parrino  
235 Garth Road E6C  
Scarsdale, NY 10583  
347-248-3003

Judy Bayer

**Normandy Corporation**  
46 Prince Street, Rochester, New York 14607  
(585) 244-7849 Phone - (585) 256-2836 Fax  
M-F 9:00 am - 5:00 pm (EST)

## Judy Bayer

---

**From:** James Haywood [jim.haywood@randrealty.com]  
**Sent:** Wednesday, November 17, 2010 3:49 PM  
**To:** Judy Bayer  
**Subject:** [SPAM] Old Post Road

Good afternoon Judy,

I just spoke with Pete Berman of the Ruby Group. He finally was able to look at the property. He seemed pretty enthusiastic, he wants to crunch some numbers, he thought by tomorrow. I have provided him with a number of comps in the area. As we have discussed, he would like to have a conference call with the decision makers in your organization to discuss options. Since it appears that I am going to represent both sides of this transaction I want to be careful, but since he will be representing himself on what it will take for him to want to move forward I think we are ok. I am proceeding under the assumption that we all want to get a deal done, so good communication is essential. Below are several points that he has shared with me:

1. Everyone should understand that he is a very successful builder/developer and understands the financials completely; his final decision will be based on making a good financial transaction.
2. He believes that a solid partnership is the only way this deal will make sense, so everyone will need to be creative.
3. It appears that he is thinking in the range of a home and lot with a price point of around \$290k
4. I have discussed with him the capabilities of BHG+ Rand Realty (Jim & Jane) being the listing agents for the development. We can bring some unique marketing to the property along with the ability to attract a national construction lender to participate with preferred pricing and marketing assistance. (I understand this is premature, but since I have not mentioned it to you before I wanted to get it on the record.)

Don't open the Campaign yet, but this could get done. I will let you know when he is ready to talk. I think I may have sent you his web site link, if not let me know.

Best wishes,

*Jim*

**James M. Haywood**  
Licensed Real Estate Sales Person  
**BETTER HOMES AND GARDENS - RAND REALTY**  
Newburgh Office  
100 Stony Brook Court  
Newburgh, NY 12550

Office 845-562-4800 Ext 330  
Cell 845-797-1513  
Fax 845-562-9977

**Web Site**  
<http://www.jlmhaywood-randrealty.com>

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## Judy Bayer

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**From:** James Haywood ([jim.haywood@randrealty.com])  
**Sent:** Wednesday, November 24, 2010 10:39 AM  
**To:** Judy Bayer  
**Subject:** [SPAM] Old Post Road

Good morning Judy,

I wanted to recap my conversation yesterday with Peter Berman of the Ruby Group.

1. He has more than a casual interest in the property.
2. Depending on the structure and terms there is a good possibility that deal could be worked out.
3. Advantage: Marlboro school district & Newburgh property taxes – Disadvantage: Power lines and Dynege Power Plant visible from parts of the subdivision
4. The dilapidated house on the property that fronts the subdivision is problematic. Since this is not part of the subdivision and the current owner is not cooperative a solution to block the house needs to be found, which will increase development costs.
5. Based on market and current competition house would be +/- 2,000 square feet, with a price point of \$295,000 (Based on current cost estimates that would leave about a 10% profit per unit.)
6. Stressed that he doesn't want to be viewed as a "bottom feeder", but rather a true partner.
7. He is getting a bid to complete the road work and landscaping. (Charlie from Taconic estimated completing the road infrastructure to be \$180k)
8. If there is a go forward, he would like to look at perhaps reengineering the drainage and catch ponds. (Perhaps eliminate some of the conduits and use the contour of the land, which could reduce costs.)
9. He would like to have a structure where each lot was paid for as it is developed. (He realizes there are carry costs.)
10. He will want to discuss if your company will fund the construction cost or at a minimum will take a secondary position on "a" lot so that he can obtain funding elsewhere. (I believe his preference is for your company to help with the construction costs.)
11. I believe one of the options that he will want to discuss is:
  - a. The Ruby Group is hired as a consultant to get the final approvals completed and to handle any related issues to get to a "start the project position". (Fees to cover time and expense)
  - b. A joint venture is created to share, based on contribution and risk. (I know that The Ruby Group has done a number of these, as I am sure you have.)

I don't want to speak for Pete, but I think I have outlined the essence of our conversation. If not he can correct any errors or omissions that I might have made. If I may be permitted to make an editorial comment, Pete is a very ethical businessman and person. Both he and the Ruby Group have a very positive reputation in the industry and area. (That is the primary reason I approached him about this opportunity in the first place.)

I have confirmed that Pete is available at 2:00 PM on the 2<sup>nd</sup>. We will call in. Have a great Thanksgiving and if you have any question please let me know.

Thanks,



**James M. Haywood**



**Judy Bayer**

---

**From:** James Haywood [jim.haywood@randrealty.com]  
**Sent:** Wednesday, December 29, 2010 8:08 AM  
**To:** 'hous-pcj7a-2132668291@craigslist.org'  
**Subject:** Old Post Road

JM

This is 28.5 acres and is an approved subdivision. I will not submit your offer of \$2,500 per acre to the owners. It is currently listed at #369,000 which is about \$13,000 per acre. If you would like to make a serious offer I would be happy to discuss it with you. My contact information is below.

Thank you,

*Jim*

**James M. Haywood**  
**Licensed Real Estate Sales Person**  
**BETTER HOMES AND GARDENS - RAND REALTY**  
**Newburgh Office**  
**100 Stony Brook Court**  
**Newburgh, NY 12550**

**Office 845-562-4800 Ext 330**  
**Cell 845-797-1513**  
**Fax 845-562-9977**

**Web Site**  
**<http://www.jimhaywood-randrealty.com>**

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**Judy Bayer**

---

**From:** jim.haywood@randrealty.com  
**Sent:** Tuesday, March 22, 2011 2:52 PM  
**To:** Judy Bayer  
**Subject:** Re: Listing Agreement

I have followed up. Will let you know.  
Jim

Sent from my Verizon Wireless BlackBerry

---

**From:** "Judy Bayer" <jbayer@normandy.com>  
**Date:** Tue, 22 Mar 2011 14:08:16 -0400  
**To:** 'James Haywood' <jim.haywood@randrealty.com>  
**Subject:** RE: Listing Agreement

Any developments w/Mr. Altken?

Judy Bayer

**Normandy Corporation**  
46 Prince Street, Rochester, New York 14607  
(585) 244-7849 Phone - (585) 244-3494 Fax  
M-F 9:00 am - 5:00 pm (EST)

---

**From:** James Haywood [mailto:jim.haywood@randrealty.com]  
**Sent:** Tuesday, March 22, 2011 9:09 AM  
**To:** 'Judy Bayer'  
**Subject:** Listing Agreement

Good morning Judy,

Our listing agreement is going to expire soon. May I send you a renewal?

Best wishes,

*Jim*

**James M. Haywood**  
Licensed Real Estate Sales Person  
**BETTER HOMES AND GARDENS - RAND REALTY**  
Newburgh Office  
100 Stony Brook Court  
Newburgh, NY 12550

Office 845-562-4800 Ext 330  
Cell 845-797-1513  
Fax 845-562-9977

ATTACHMENT 4

Judy Bayer

**From:** LandAndFarm Client Services [noreply@landandfarm.com] on behalf of LandAndFarm [customer-service@landandfarm.com]  
**Sent:** Sunday, November 22, 2015 3:31 AM  
**To:** Judy Bayer  
**Subject:** LandAndFarm Purchase Confirmation

**LandAndFarm** Purchase Confirmation  
Congratulations on your LandAndFarm purchase!

**Order Summary:**  
11/22/2015

Product	Subscription	Amount
Premium Exposure - Single Listing	Monthly	\$39.95

Subtotal: \$39.95  
Sales Tax: \$0.00  
Total Billed: \$39.95

Renewal Date: 12/22/2015

**Billing Information:**  
Judy Bayer  
46 Prince Street  
Rochester, NY 14607

The benefits of your new service are available immediately.

**LandAndFarm**  
You are now able to search for real estate listings on our website. To get started, please visit our Frequently Asked Questions page. For more information, please contact our Client Services team at (888) 327-6289 or visit our website at [www.landandfarm.com](http://www.landandfarm.com).

**Questions?**

Call our Client Services team at (888) 327-6289 (8:00am to 5:00pm Central Time, Monday - Friday) or [contact us online](#). For more details and help getting started, visit our [Frequently Asked Questions](#).

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LandAndFarm -- 1331 L St. NW, Washington, DC. 20005



DataSphere Inc.  
 3350 161st Ave SE  
 Bellevue, WA 98008  
 Phone: (866) 905-8269  
 Fax: (425) 746-1436

Date: 6/22/2015

Account Representative

**Advertiser**

Agent Name	Judy Bayer	Primary Email Address	<input type="text" value="Judy@normandy.com"/>
Company	Troon Properties		
Address 1	46 Prince St		
Address 2			
City	Rochester		
State / Province	NY		
ZIP / Postal Code	14607		
Country	United States		

**Billing Info**

Contact Name	Judy Bayer
Phone Number	(585) 244 - 7849
Email	Judy@normandy.com

**Advertising Package**

Web Site	Product	Start Date	Contract Term	Monthly Amount	List Price	Initial Amount
LandWatch	Agent Silver Plan (1 Listing)	6/22/2015	3 Months then Month to Month	\$34.99	\$34.99	\$34.99

This Advertising Agreement (this "Agreement") is entered into as of the date above written by and between DataSphere, Inc., a Delaware corporation hereafter referred to as ("DataSphere"), and the undersigned advertiser (the "Advertiser").

The term of this Agreement shall be a period specified in the table above and, unless either party provides the other with written notice of termination at least thirty (30) days prior to the end of the initial contract term, the Agreement shall renew for successive one-month terms thereafter. During this month-to-month agreement period, either party may terminate the Agreement by providing written notice to the other at least seven (7) days prior to the end of the then-current monthly period. DataSphere reserves the right, at the time of each term (initial or monthly term) renewal, to adjust the pricing under this Agreement as set forth above. DataSphere also reserves the right to refuse to (a) run any advertisement (i) that might be viewed as obscene, defamatory or in violation of law or related to any illegal activities, or (ii) with an intent to discriminate on the basis of race, gender, national origin or ethnicity; and (b) cancel the Agreement with seven (7) days' written notice (DataSphere will refund any outstanding balance on a pro-rata basis) if, in DataSphere's sole discretion, its agreement or arrangement with the applicable media company owning or operating the Websites changes in such a way as to have a material adverse effect on DataSphere's ability to deliver the promised placement.

If you have purchased Skyscraper, Promotional Strip, Banner Advertising Products, Email Products or any other advertising products you will have five business days to approve your advertisement. If we don't hear from you within five days, we will automatically approve your ad and you will no longer have an opportunity to make any additional edits.

ATTACHMENT 5

**Judy Bayer**

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**From:** Judy Bayer  
**Sent:** Tuesday, July 14, 2015 12:19 PM  
**To:** 'lucl0\_Blase@yahoo.com'  
**Subject:** Troon Properties - Newburgh NY Property  
**Attachments:** DOC071415-07142015.pdf; engineers map.pdf

Good Afternoon Mr. Blase,

Attached is information for the 28 acre property discussed in Newburgh, NY -SBL 8-1-97. The photos are from 2009 so we cannot speak for the current condition of the barn or shed onsite. There is a local engineering company that was involved in preparing development plans for town approval. They are willing to assist with that process if you were interested.

I hope you find the attached helpful. If you are interested in making an offer to purchase, you may contact me directly. As for general financing terms, you may contact Ralph Felice at Normandy @ 585-256-2600.

Please let me know if you have any other questions.

Thank you for your interest.

Judy Bayer  
Troon Properties  
46 Prince Street  
Rochester, NY 14607  
Phone: 585-244-7849  
Fax: 585-244-3494

**Judy Bayer**

---

**From:** Lucio [lucio\_blase@yahoo.com]  
**Sent:** Thursday, July 16, 2015 2:38 PM  
**To:** Judy Bayer  
**Subject:** Re: Troon Properties - Newburgh NY Property

Judy, thank you again for sending me these materials.

I hope to drive up next weekend before I can make an offer

Sent from my iPhone

On Jul 16, 2015, at 2:08 PM, Judy Bayer <[jbayer@normandy.com](mailto:jbayer@normandy.com)> wrote:

Good Afternoon Mr. Blase,

Is there any other information I can provide on the Newburgh, NY property we discussed?

Please let me know if I can answer any questions.

Enjoy your day.

**Judy Bayer**  
Troon Properties  
46 Prince Street  
Rochester, NY 14607  
Phone: 585-244-7849  
Fax: 585-244-3494



**Judy Bayer**

---

**From:** Support@LandWatch.com  
**Sent:** Friday, July 17, 2015 8:48 PM  
**To:** Judy Bayer  
**Subject:** Quality Lead from LandWatch

Hi Judy Bayer,

**Congratulations!**

We wanted to notify you that the following individual has requested that you contact them in regards to a property found on LandWatch.com.

**NAME:** Miguel  
**EMAIL:** [Mikeespinoza001@gmail.com](mailto:Mikeespinoza001@gmail.com)  
**PHONE:** 845 476 4526  
**ZIP CODE:**

**COMMENTS:**

They are requesting information about the following property:

**ID:** 0001  
**PRICE:** \$299,000  
**SIZE:** 28.200000 acres  
**STATE:** New York  
**COUNTY:** Orange  
**DESCRIPTION:** Excellent opportunity for single family home with acreage for horses as well as for area Builders and Residential Home Developers. 8 - 10 lots had been approved in a desirable location of Newburgh, NY. Final approval has not been filed but can be obtained with engineering firm of record willing to assist. Engineering plans included with sale of property. Owner willing to finance purchase to qualified Buyer. Call for additional details 800-763-6222.

Thanks,

LandWatch

We are excited to introduce our new enhanced listing display for agents with a LandWatch Premium Plan. Since you are already a Premium Agent, you will automatically start receiving the following additional benefits: exclusive placement, cross-promotion and more leads. [Watch this video for details.](#)

If you are pleased with your results, please refer your friends to earn rewards...



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**START NOW**

**Judy Bayer**

---

**From:** Judy Bayer  
**Sent:** Tuesday, July 21, 2016 12:18 PM  
**To:** 'Mikeespinoza001@gmail.com'  
**Subject:** Newburgh, NY property  
**Attachments:** DOC071415-07142016.pdf; engineers map.pdf

Good Morning,

Attached is information for the 28 acre property discussed in Newburgh, NY -SBL 8-1-97. The photos are from 2009 so we cannot speak for the current condition of the barn or shed onsite. There is a local engineering company that was involved in preparing development plans for town approval. They are willing to assist with that process if you were interested.

I hope you find the attached helpful. If you are interested in making an offer to purchase, you may contact me directly.

Please let me know if you have any other questions.

Thank you for your interest.

Judy Bayer  
Troon Properties  
46 Prince Street  
Rochester, NY 14607  
Phone: 585-244-7849  
Fax: 585-244-3494

**Judy Bayer**

---

**From:** Judy Bayer  
**Sent:** Thursday, July 30, 2015 1:54 PM  
**To:** 'tagauto1980@yahoo.com'  
**Subject:** Newburgh, NY property  
**Attachments:** DOC071416-07142015.pdf; engineers map.pdf

Good Afternoon,

Attached is information for the 28 acre property discussed in Newburgh, NY -SBL 8-1-97. The photos are from 2009 so we cannot speak for the current condition of the barn or shed onsite. There is a local engineering company that was involved in preparing development plans for town approval. They are willing to assist with that process if you were interested.

I hope you find the attached helpful. If you are interested in making an offer to purchase, you may contact me directly.

Please let me know if you have any other questions.

Thank you for your interest.

Judy Bayer  
Troon Properties  
46 Prince Street  
Rochester, NY 14607  
Phone: 585-244-7849  
Fax: 585-244-3494

**Judy Bayer**

---

**From:** Support@LandWatch.com  
**Sent:** Sunday, September 20, 2015 3:40 PM  
**To:** Judy Bayer  
**Subject:** Quality Lead from LandWatch

Hi Judy Bayer,

**Congratulations!**

We wanted to notify you that the following individual has requested that you contact them in regards to a property found on LandWatch.com.

**NAME:** Ashrafur Rahman  
**EMAIL:** [ashraf463@gmail.com](mailto:ashraf463@gmail.com)  
**PHONE:** 3472659180  
**ZIP CODE:**

**COMMENTS:** Any hunting opportunities?

They are requesting information about the following property:

**ID:** 0001  
**PRICE:** \$249,000  
**SIZE:** 28.200000 acres  
**STATE:** New York  
**COUNTY:** Orange  
**DESCRIPTION:** Excellent opportunity for single family home with acreage for horses as well as for area Builders and Residential Home Developers. 8 - 10 lots had been approved in a desirable location of Newburgh, NY. Final approval has not been filed but can be obtained with engineering firm of record willing to assist. Engineering plans included with sale of property. Owner willing to finance purchase to qualified Buyer. Call for additional details 800-763-6222.

Thanks,

LandWatch

We are excited to introduce our new enhanced listing display for agents with a LandWatch Premium Plan. Since you are already a Premium Agent, you will automatically start receiving the following additional benefits: exclusive placement, cross-promotion and more leads. [Watch this video for details.](#)

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Refer real estate professionals to LandWatch

**START NOW**

**Judy Bayer**

---

**From:** Judy Bayer  
**Sent:** Wednesday, November 04, 2015 2:32 PM  
**To:** 'dbersak42@aol.com'  
**Subject:** Old Post Rd - Newburgh  
**Attachments:** DOC071415-07142015.pdf; engineers map.pdf

Good Afternoon,

As discussed, I have attached some maps as reference for the vacant land Troon has listed in Newburgh. Please let me know if you have any questions.

Thank you and look forward to hearing from you.

**Judy Bayer**  
**Troon Properties**  
**46 Prince Street**  
**Rochester, NY 14607**  
**Phone: 585-244-7849**  
**Fax: 585-244-3494**

**Judy Bayer**

**From:** LandAndFarm Client Services [noreply@landandfarm.com] on behalf of LandAndFarm [customer-service@landandfarm.com]  
**Sent:** Saturday, November 07, 2015 3:47 PM  
**To:** Judy Bayer  
**Subject:** LandAndFarm Lead for 53 Old Post Rd.

## **New Lead LandAndFarm**

53 Old Post Rd.

You have a new lead from LandAndFarm.com for your listing:  
53 Old Post Rd.

<b>Inquiry From:</b>	11/7/2015 12:46 PM
Stacey Cavallere	
<a href="mailto:Grossralleguine@yahoo.com">Grossralleguine@yahoo.com</a>	

Is property ready for horses to move in?

[Reply to Stacey Cavallere >>](#)

The LandandFarm.com Team  
(888) 327-6289  
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If this is not a legitimate lead, please forward this email to [customer-service@landandfarm.com](mailto:customer-service@landandfarm.com).

LandAndFarm.com -- 1331 L St. NW, Washington, DC. 20005

**Judy Bayer**

---

**From:** Judy Bayer  
**Sent:** Monday, November 09, 2015 8:56 AM  
**To:** 'Crossrallequine@yahoo.com'  
**Subject:** Old Post Rd, Newburgh, NY  
**Attachments:** DOC071415-07142015.pdf

Good Morning,

28.2 acres of land could accommodate many happy horses. I would suggest you contact the Town of Newburgh to confirm. I have attached a property map as reference. Let me know if you are interested in making an offer.

*Judy Bayer*

Troon Propertles  
46 Prince Street  
Rochester, NY 14607  
Phone: 585-244-7849  
Fax: 585-244-3494

<http://www.landandfarm.com/seller/Judy-Bayer-496380>

**Judy Bayer**

---

**From:** Judy Bayer  
**Sent:** Thursday, December 17, 2015 9:29 AM  
**To:** 'oharecontractingserv@gmail.com'  
**Subject:** FW: Old Post Rd - Newburgh  
**Attachments:** DOC071415-07142015.pdf; engineers map.pdf

Good Morning,

As discussed, I have attached some maps as reference for the vacant land Troon has listed in Newburgh. Please let me know if you have any questions.

Thank you and look forward to hearing from you.

***Judy Bayer Cell 585-330-9071***

**Troon Properties**  
**46 Prince Street**  
**Rochester, NY 14607**  
**Phone: 585-244-7849**  
**Fax: 585-244-3494**





# McGrath & Company, Inc.

Real Estate Appraisers & Counselors

*Dutchess:* 20 Corporate Park Drive, Suite 2B, Hopewell Junction, NY 12533  
Phone: (845) 896-5333 | Fax: (845) 896-5340 Email:  
info@mcgrathandco.com

*Westchester:* 444-D Old Post Road, Bedford, NY 10506  
Phone: (914) 234-6300 | Fax: (914) 234-9332

February 7, 2017

Lucia Chiocchio, Esq.  
Cuddy + Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, New York 10601

Re - Use Variance – 53 Old Post Road, T/Newburgh, Orange County; tax map # 8.-1-97

Dear Ms. Chiocchio:

As requested, I have reviewed and prepared the following comments regarding a use variance application to the Town of Newburgh Zoning Board of Appeals to construct a solar farm on tax lot 8.-1-97. The purpose of my letter is to provide an opinion as to the economic viability of the permitted uses and uses subject to site plan review by the planning board as listed in the Table of Use and Bulk Requirements for the AR District – Schedule 2 of the Town of Newburgh Zoning Ordinance. A copy of the table is attached to this letter.

Green Street Solar, the applicant for the use variance, has applied to construct a solar farm on the property, a vacant site of 28.2 acres. The property is zoned AR, Agricultural. A solar farm is not a permitted use in an AR district. It is only permitted in the I, Industrial District.

There are four criteria that a Zoning Board of Appeals has to consider when a use variance is requested. They are:

- a) Under applicable zoning regulations the applicant cannot realize a reasonable return and is deprived of all benefit from the property in question.
- b) The hardship is unique and does not apply to a substantial portion of the district or neighborhood.
- c) The variance would not alter the essential character of the neighborhood.
- d) The hardship has not been self-created.

McGrath & Company, Inc.

The bar has been set high for a use variance. This letter addresses criteria a): that the applicant cannot realize a reasonable return under the applicable zoning regulations and is deprived of all benefit. In the AR Zoning District there are three permitted uses and 14 uses subject to site plan review by the Planning Board. Several of these 17 uses would create a modest demand for the subject real estate, but most would not and are considered noneconomic.

There is only a modest demand in the current real estate market for single-family residences, cluster developments for single-family dwellings, 2-family dwellings and semidetached dwellings; four of the listed uses. Except for cluster developments, Tax lot 8.-1-97 is overly large for these uses and is not located in a residential estate neighborhood where larger lots are the norm. Residences in the neighborhood are predominately single family on lots of one to two acres. In the current market, there are residential subdivisions in sales but developers are generally making profit from building homes, with little return on the land investment. Cluster developments have not fared well in the Mid-Hudson and are difficult to gain approvals for.

This lack of demand and resulting potential lack of a reasonable return for residential development of the property is demonstrated in the application materials which I have reviewed and which detail the unsuccessful effort to sell the property as an approved eight-lot subdivision for the past several years.

One of the obstacles in developing the property are the high real estate taxes of the Marlboro School District. The District experienced a 40% loss in revenue in when Dynegy Inc. declared bankruptcy in 2011. The district has been in fiscal crisis since the bankruptcy, when the assessment reductions for the property values of the power plants operated by Dynegy caused a loss of millions in tax revenue. Although one of the plants recently reopened it did under a payment in lieu of taxes agreement with significantly reduced taxes to the District. The District property taxes are currently among the highest in Upstate NY.

The site is largely wooded and generally not suitable for agricultural operations without a substantial investment in clearing and infrastructure. There is better agricultural land available elsewhere in the region. In addition there is no farm support structure in the subject neighborhood. The keeping of livestock and fowl would not likely be viewed favorably by neighborhood residents. The use is not likely.

Membership clubs are generally found in more commercial locations with denser population concentrations or near a golf course. The subject site is not well suited for a membership club use. Many membership clubs, in particular golf and tennis, are experience substantial drops in memberships, declining dues and increased operation expenses. The use is noneconomic.

The site would have modest demand for a place of worship, parish houses, seminaries, etc. But most newly constructed facilities are generally located in areas of higher visibility and in more densely populated locations.

McGrath & Company, Inc.

There are no plans for expansion of the Marlboro School District in the subject neighborhood. As noted above, the District is in financial difficulty. There are no plans for a college expansion. There are better sites in other locations. The use is noneconomic in the subject neighborhood.

There are better sites in the larger Newburgh area for hospitals and nursing homes. One trend in the medical industry is the construction of urgent care facilities that are smaller and less costly to build and operate. The use is noneconomic in the subject neighborhood.

The development of mobile home parks is often opposed by neighborhoods. Residents argue that such a use would change the character of the neighborhood. The use is not likely. In addition, the unsuccessful efforts to sell the property for a residential use supports that this use will not yield a reasonable return.

Community residences for the disabled are typically located in areas for reasons other than economic ones. Community residences for the disabled require licensing and most often funding from the State. They are treated under zoning as residential uses. This use would not yield a reasonable return as it is dependent on the availability of State funds. In addition, the site is not well suited for the use as it is distant from the services that clients of these facilities need on a daily basis.

Substance abuse rehabilitation homes are not well received in most neighborhoods. They are typically located in areas for reasons other than economic ones – and are licensed and often funded by the State. Given their dependence on the availability of State funding, this use will not realize a reasonable return. The site is not well suited for the use as it is distant from the services that clients of these facilities need on a daily basis.

Traditional public utility structures (not renewable sources) are located where planning and engineering determine their feasibility. The suitability of the subject site for a traditional public utility structure is not known. In addition, the existence of existing traditional public utility structures in the area suggests that the property is not needed by the local utility.

After reviewing the list of permitted uses and uses subject to site plan review by the planning board it is my conclusion that most uses are not economically viable, suited for or desirable for the subject site and neighborhood. Residential uses are moderately viable, suited and/or desirable.

In my opinion, with proper screening, the proposed solar farm would be an economic and desirable use for the site and neighborhood.

If you have any further questions, please contact me.

Sincerely yours,



Al DeKrey, MAI

State Certified General Real Estate Appraiser No. 46-8839

McGrath & Company, Inc.

## PROFESSIONAL QUALIFICATIONS

### **ALLAN ROBERT DEKREY, MAI**

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Senior Vice-President

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Home : 845-876-2959 6 Huntington Road, Rhinebeck, NY 12572

### Work History

Real estate appraiser and analyst specializing in valuations, market and feasibility studies and related consulting activities in the Mid-Hudson, Catskill, Central Adirondack and eastern New York regions. Background in community planning.

- 2002 - 2016 : Appraiser - McGrath & Company, Inc., Fishkill, New York
- 1992 - 2002 : Appraiser - McGrath, Basciani & Associates, East Fishkill, New York
- 1987 - 1992 : Appraiser - L.T. Bookhout, Inc., Rhinebeck, New York
- 1984 - 1987 : Appraiser - Hines, Price & Hage, Fairbanks, Alaska
- 1981 - 1984 : Assistant Planning Director - Fairbanks Development Authority,  
Fairbanks, Alaska
- 1981 : Assistant Planning Director - Fairbanks North Star Borough,  
Fairbanks, Alaska
- 1977 - 1980 : City Planner - Mercer County Energy Development Board and City  
of Hazen, Hazen, North Dakota

### Education

Member of the Appraisal Institute (MAI), Chicago, Illinois, 1993

Master's Degree - Graduate Program in Community and Regional Planning, North Dakota  
State University, Fargo, North Dakota, 1977

Bachelor of Science - Sociology with concentrations in economics and mathematics,  
University of North Dakota, Grand Forks, North Dakota, 1974

McGrath & Company, Inc.

## Specialty

Appraisals of:

- Natural resource and conservation lands
- Conservation easements
- Hospitality related
- Going concerns
- Special use properties
- Market/feasibility studies
- Community planning and land use regulations

## Professional Memberships and Advisory Boards

### **Appraisal Related**

Appraisal Institute	1991 - 2016
American Institute of Real Estate Appraisers	1985 - 1990
President, Mid Hudson Chapter	1997
Lawrence D. Benton Award for Exceptional Chapter Service, Mid-Hudson Chapter	1995
Mid-Hudson Chapter Education Committee Chair	1995 - 1996
Board of Directors, Mid-Hudson Chapter	1995 - 1999
	2005 - 2006
	2013 - 2014
Regional Ethics and Counseling Panel	1993 - 1995

### **Planning Related**

Rhinebeck Village Zoning Board of Appeals	1995 - 2016
Rhinebeck Village Zoning Review Committee	2014 - 2016
Rhinebeck Town Open Space & Affordable Housing Committee	2006 - 2008
Rhinebeck Village Zoning Revision Committee	2004 - 2006
Rhinebeck Village Zoning Revision Committee	1998 - 2001
Rhinebeck Village Master Plan Committee	1988 - 1991
Rhinebeck CAC/Greenway Committee	2001 - 2002

Alaska Planning Association	1982 - 1986
Northern Region President	1984 - 1985
Governor's Recreation Advisory Committee, State of Alaska	1983 - 1986
Fairbanks North Star Borough (FNSB) Transition Team	1985
FNSB Comprehensive Plan Technical Advisory Committee	1983
FNSB Industrial Site Selection Committee	1981
Hazen Recreation Committee	1978 - 1980



Tax ID 8-1-33.2  
 Now or Formerly  
 Galimberti Real Estate LLC  
 5512 Route 9W



Tax ID 8-2-7  
 Now or Formerly  
 Ralph A Diaz  
 38 Cedar Ct

Tax ID 8-2-8  
 Now or Formerly  
 Joshua Selert  
 34 Cedar Ct

Tax ID 8-2-9  
 Now or Formerly  
 Raymond Meyer  
 32 Cedar Ct

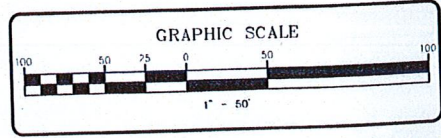
Tax ID 8-2-10  
 Now or Formerly  
 Gary and Angela Gogerty  
 28 Cedar Ct

Tax ID 8-2-11  
 Now or Formerly  
 Robert and Ruth Scott  
 51 Old Post Rd



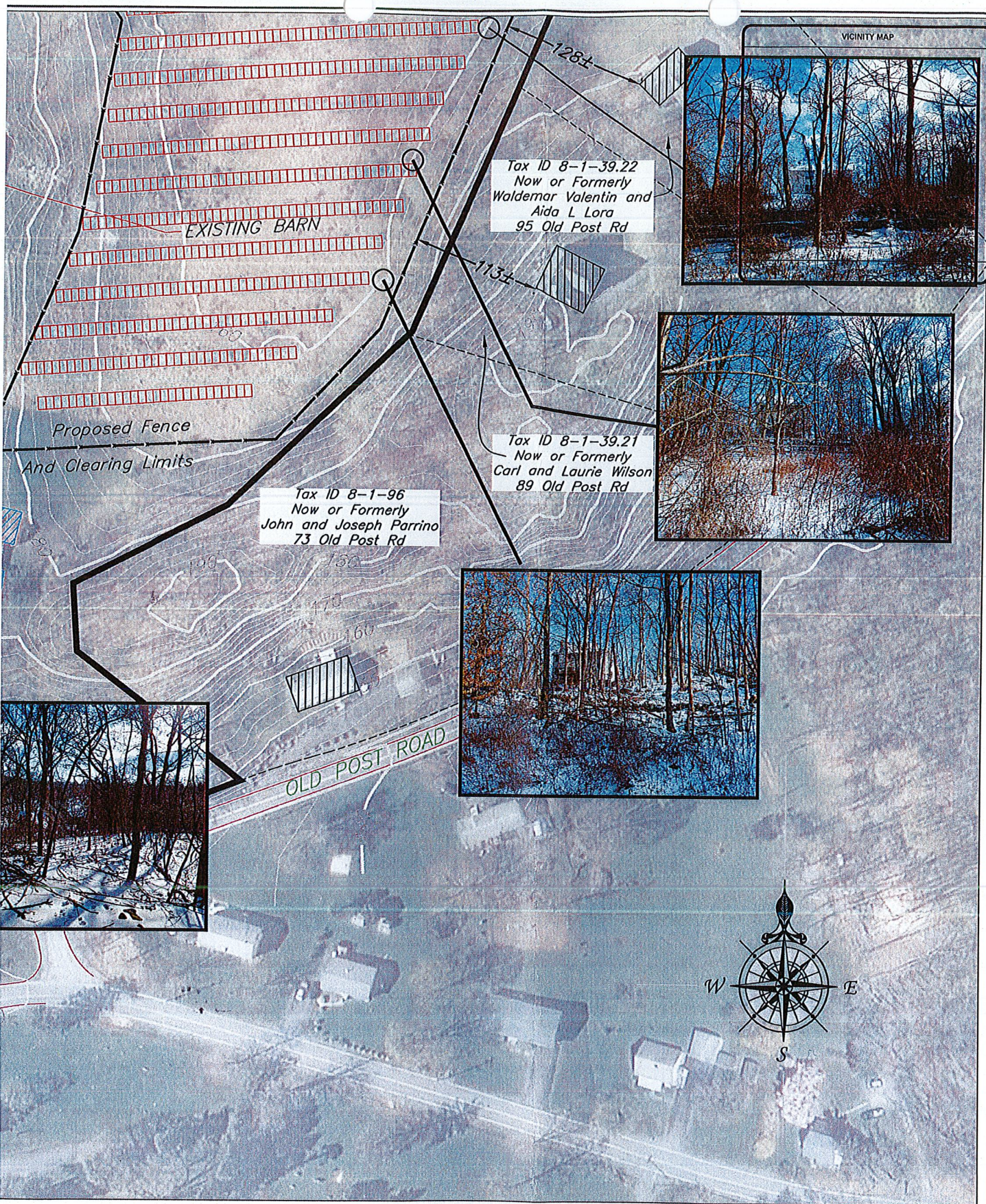
rev.	date	description

**TEC** LAND SURVEYING  
 150 TIORONDA AVE. BEAON, NY 12508  
 PH: 845.445.6590 FX: 845.445.6591



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 2) /  
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**S**  
 on and existing conditions from drawings "GSPF Newburgh  
 found 1-5000" and "GSPF Newburgh Ground Mount 2-5001"  
 led by the Client.  
 Lines from a drawing entitled "Proposed Commercial  
 on Enlited Green Street Solar..." Dated 8/5/16 and  
 by Tocott Engineering Design, PLLC.

THOMAS E. CERCHIARA, P.L.L.C.  
 P.L.S. No. 50732

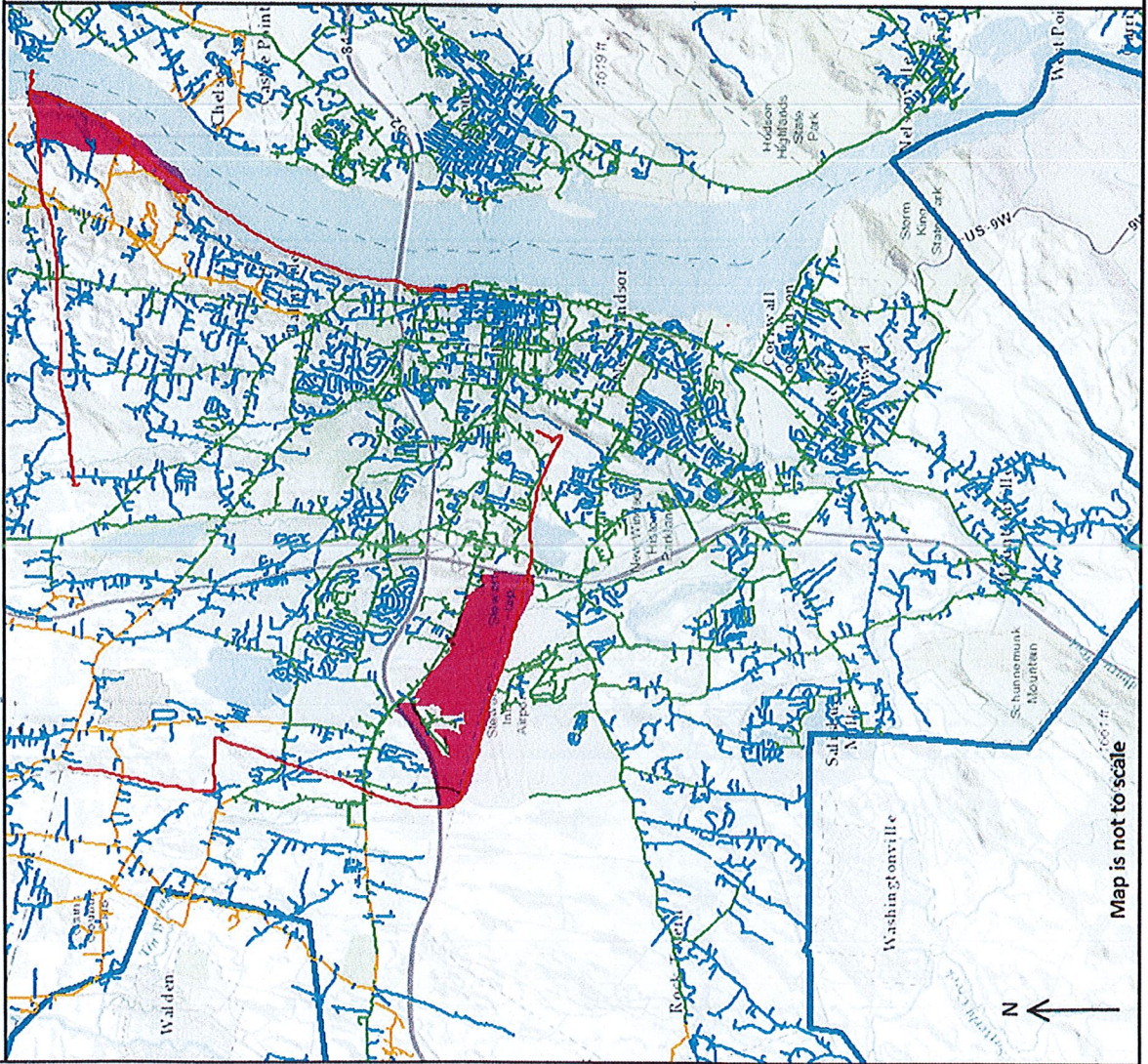
GSS NEWBURGH  
**VIEW MAPPING  
 GREEN STREET SOLAR  
 NEWBURGH**  
 TOWN OF NEWBURGH, COUNTY OF ORANGE, STATE OF NEW YORK

tax id	8-1-87
address	OLD POST ROAD
date	1/28/17
scale	1"=50'
project no.	17-018
project name	GSS NEWBURGH
sheet	1 OF 1





**Central Hudson DER System Indicator Map  
Overlaid With Approximate Locations of Newburgh I Districts**



**KEY**

- All single-phase and low voltage circuitry (5KV class)
- Feeders where minimum load is anticipated to be significantly exceeded
- Feeders emanating from a substation transformer that is anticipated to experience significant backfeed
- All other feeders that do not fall under one of the above categories
- Overlay of approximate locations of Town of Newburgh I-Districts
- Approximate boundaries (guidelines) of Town of Newburgh

**Note:** this map does not indicate circuit hosting capacity and does not restrict applications from being submitted within these locations, but rather is a tool to notify applicants that DER interconnections in these locations have a higher likelihood of requiring significant system upgrades at the customer's cost.

Map is not to scale









TO:

Green Street Solar  
1360 Garrison Avenue  
Bronx, New York 10474

FROM:

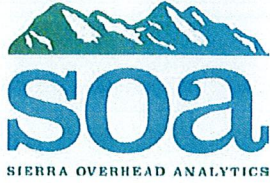
Sierra Overhead Analytics, Inc.  
PO Box 1716  
Twain Harte, California 95383

Subject: New York Stormwater Management Notes for 53 Old Post Road, Newburgh,  
NY

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## 1 Old Post Road Site Notes

- Forested Area being cleared to install utility scale solar PV
- Site has three topographic lows, contained in three separate basins, see figure 1. (1B, 2B, 3B)
- Overland flow (non-point source) can be directed through vegetated buffers or grass filter strips as primary treatment to drainage ditches
- Drainage ditches may be directed along the proposed shared driveway
- Sedimentation/infiltration basin(s) may be placed throughout the site and prior to discharge off-site
- Preliminary change ( $\Delta$ ) in runoff per basin from pre-construction to post-construction from the 25-year 24-hr event – conservative estimates based on the following.
  - 1B:  $\Delta+0.9$  acre-ft
  - 2B:  $\Delta+1.3$  acre-ft
  - 3B:  $\Delta+0.6$  acre-ft
  - Assumptions: SCS and curve number (CN) method, Pre-construction assumed no impermeable surfaces, Post-construction assumed 3-5% impermeable surfaces, Post construction curve numbers increased by 10% - probably over conservative if the ground is not overly compacted, NRCS soils data (SSURGO) for infiltration and CN calc, Landsat landuse data, 25-year 24-hour storm, centered for each basin
  - Site is composed of Group B & C soils



## 2 Stormwater Management Design Process:

### 2.1 Site Planning

- Strategies will be devised to protect and enhance natural resources
  - Prior to site layout, natural features will be preserved, where practicable (site fingerprinting)
    - Natural features will be utilized to preserve the natural hydrology (topographic lows, vegetated buffers, natural drainage channels)
  - Natural drainage design points will be maintained, where practicable
  - Retention of forest cover and undisturbed soils will be maintained to the extent practicable for the site layout and PV array needs
  - Disturbance of erodible soils on steep slopes will be avoided
  - Mass grading will be limited, where practicable
  
- A demonstration of the change in impervious surface from existing to proposed will be made to address the water quality treatment volume (WQv)
  
- A demonstration of all reasonable opportunities for preserving natural conditions of the site will be made and employed, where practicable, to minimize the runoff and maintain the pre-construction hydrology

### 2.2 Determine Water Quality Treatment Volume (WQv)

WQv Water Quality 90% Rule:

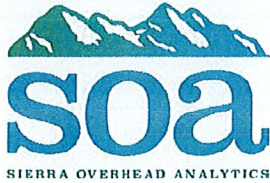
- $WQv(\text{ acre-feet}) = [(P)(Rv)(A)] / 12 Rv = 0.05 + 0.009(I)$
- I = Impervious Cover (Percent) P(inch) = 90% Rainfall Event Number
- A = site area in acres

### 2.3 Apply Runoff Reduction Techniques and Standard SMPs with Runoff Reduction Volume (RRv) Capacity to Reduce Total WQv

Runoff Reduction Volume(RRv) is calculated as:

- $RRv(\text{ acre-feet}) =$  Reduction of the total WQv by application of runoff reduction techniques and standard SMPs with RRv capacity to replicate predevelopment hydrology.
- The minimum required RRv is defined as the Specified Reduction Factor (S), provided objective technical justification is documented.





Reduction to additional runoff attributed to PV array construction may be accomplished through a combination of the following:

- Infiltration basins
  - May be utilized onsite where USGS Soil Group B is in a natural topographic low
- Bioretention practices may be utilized
  - Sand filters
  - Retention ponds
- Dry Swales
- Sheet flow may be utilized to direct stormwater flow toward vegetated swales, infiltration basins or drainage ditches
  - Sheet flow may be directed across vegetated land to enhance runoff water quality and infiltration

## **2.4 Apply Standard Stormwater Management Practices to Address Remaining Water Quality Volume**

Remaining water quality volume that cannot be reduced by applying the runoff reduction techniques and standard SMPs with RRv capacity may be addressed, where practicable, by the following:

- Filtering practices in PV array areas and non-PV array areas may include:
  - Grass Filter strips
  - Riparian Buffers
  - Ponds
    - Series of smaller ponds and/or infiltration basins would be preferred over one large pond/infiltration basin
  - Stormwater wetlands

Additionally, downstream channel protection volume (Cpv), overbank flood controls, and extreme storm events will be analyzed as follows:



- Cpv
  - Cpv(acre-feet) = 24 hour extended detention of post-developed 1-year, 24-hour storm event; remaining after runoff reduction.
  - Where site conditions allow, Runoff reduction of total CPv , is encouraged for Sites Larger than 50 Acres:
  - Distributed Runoff Control - geomorphic assessment to determine the bankfull channel characteristics and thresholds for channel stability and bedload movement.
- Overbank Flood (Qp) controls
  - Analyzed, and if necessary, put in place to protect downstream properties from the additional stormwater runoff from the 100-year storm event
  - Qp(cfs)=Control the peak discharge from the 10-year storm to 10-year predevelopment rates.
- Extreme Storm (Qf)h
  - Qf(cfs)=Control the peak discharge from the 100-year storm to 100-year predevelopment rates. Safely pass the 100-year storm event.

## 2.5 Apply Volume and Peak Rate Control Practices if Still Needed to Meet Requirements

Channel protection volume, overbank flood control, and extreme flood control will be addressed prior to the development plan being completed. One hundred percent (100%) of the volume of water from storms less than or equal to the 95th percentile event shall not be discharged to surface water.

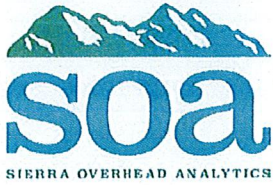
The design, or exemption, at a site level can be approved if both following criteria are met:

- Peak flow rates increase by less than 5% of the pre-developed condition for the design storm (e.g., 10-year or 100-year)
- No downstream structures or buildings are impacted.

To meet water quantity requirements from potential additional stormwater runoff from PV array development, engineers may use practices such as:

- Infiltration basins
- Dry detention basins
- Alternative methods that will be designed, constructed, and maintained to capture, reduce, reuse, treat, and manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 95th percentile rainfall event, computed by an acceptable continuous simulation model.





### **3 Summary, Recommendations:**

After hydrologic review of the site, SOA believes that post-construction flows (peak and volumetric) can be remediated or retained to pre-construction levels. Given the soils composition of the site, the relatively low slopes, and the ability to use natural or design features to remediate and retain flow, we believe these processes will not be difficult or prohibitively costly to implement.



Figure 1 - Onsite Basins





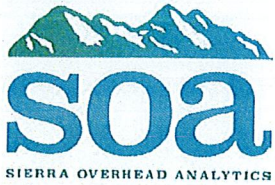


Figure 2: Pre vs Post Hydrographs

