

McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS D.P.C.

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)  
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)  
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT, VA & CT)  
PATRICK J. HINES  
LYLE R. SHUTE, P.E. LEED-AP (NY, NJ, PA)

Main Office  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553

(845) 567-3100  
fax: (845) 567-3232  
e-mail: [mheny@mhepc.com](mailto:mheny@mhepc.com)

Principal Emeritus:  
RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

**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:** 29 MAY 2020  
**MEETING DATE:** 4 JUNE 2020  
**PROJECT REPRESENTATIVE:** DIVNEY TUNG SCHWALBE, LLP

1. The project was submitted to Orange County Planning on 8 May 2020. Status of the County review should be addressed.
2. The project involves the reapproval of the 6<sup>th</sup> amended site plan with no changes to the previously approved plan.
3. The project has undergone extensive SEQRA review including Draft and Final Environmental Impact Statements, Findings Statements, and SEQRA consistency concurrence. This current application proposes no changes to the previously approved site plan.
4. Should the board consider the reapproval, all previous Conditions of Approval and Finding Statement requirements should remain as conditions of this review.

Respectfully submitted,

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

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Patrick J. Hines  
Principal

PJH/dns



JACOBOWITZ  
AND GUBITS LLP  
COUNSELORS AT LAW

April 22, 2020

Gerald N. Jacobowitz\*\*  
David B. Gubits\*\*  
Howard Protter  
Donald G. Nichol\*\*  
Larry Wolinsky\*\*  
J. Benjamin Gailey  
John C. Cappello  
George W. Lithco  
Michele L. Babcock  
Gary M. Schuster  
Marcia A. Jacobowitz  
William E. Duquette  
Kara J. Cavallo  
Kelly A. Pressler  
Robert M. Lefland  
Michael Wagner  
Marissa G. Weiss  
Martin S. Butcher  
Samuel C. Bergsohn

Via email and regular mail [planningboard@townofnewburgh.org](mailto:planningboard@townofnewburgh.org)

Hon. John Ewasutyn and  
Planning Board Members  
Town of Newburgh  
308 Gardnertown Road  
Newburgh, New York 12550

Re: Application for Reauthorization, or Determination that Site Plan Approval granted to THE RIDGE HUDSON VALLEY (f/k/a THE LOOP) (2017-01) on June 15, 2017 (filed with the Town Clerk June 20, 2017) and extended for 1 yr on April 4, 2019 is valid  
Our File No. 12930-001

Dear Hon. Ewasutyn and Planning Board Members:

On behalf of Ridge Hudson Valley, LLC, the Applicant, I submit this letter requesting that the Planning Board consider and take one of the following actions relating to the site plan approval for The Hudson Valley Ridge development located on the Northeast Corner of I-84 and NYS Rt 300;

1. Reauthorization of the site plan or;
2. Determination that the site plan approval does not need to be extended because of actions taken by the applicant in furtherance of the approval have resulted in the approval vesting, these actions include but are not limited to;
  - a. The Demolition of existing buildings located on 20 and 22 Brookside and 53 South Plank Road (which properties are part of the proposed development) pursuant to demolition permits issued November 14, 2017 by Code Enforcement Officer Canfield
  - b. Execution of a Developers' Agreement on December 17, 2017 committing to undertake certain actions, install improvements and payment of certain fees as condition of the site plan approval

\*\*OF COUNSEL

**REPLY TO:**  
158 Orange Avenue  
P.O. Box 367  
Walden, NY 12586  
tel. (845) 778-2121  
fax (845) 778-5173

548 Broadway  
Monticello, NY 12701  
tel. (845) 791-1765  
fax (845) 794-9781

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- c. Execution of Deeds transferring portions of Brookside Avenue and Meadow Lane to the Town of Newburgh
- d. Execution of a Stormwater Maintenance Agreement with the Town
- e. Commencing to clear and grade portions of the property to facilitate installation of two (2) stormwater management basins in conformance with the site plan approval upon notification of the Town of Newburgh Building Department
- f. Filing of a SWPPP NOI with the NYSDEC.
- g. Posting of performance bonds in the total amount of \$2.6 million dollars to the Town of Newburgh (\$1.7million) and the NYSDOT (\$900k) to secure the cost of improvements associated with the development.

In the event that the Town determines that it is necessary to reapply for approval/ authorization the following documents are submitted in support of that request;

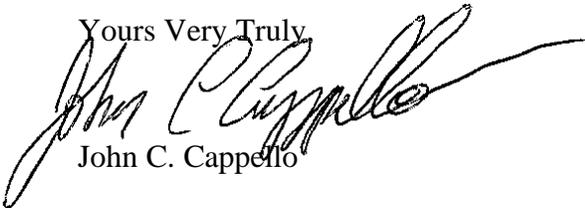
1. Completed Application for Site Plan review/ approval- Note there are no revisions being proposed;
  - . Full narrative/ summary for sixth amended site plan approval detailing the approval history of this project
3. Short EAF prepared by the Applicant's engineering consultant with the 2017 Consistency determination attached
4. Letter dated April 10, 2020 from Philip Grealy, Phd, PE, Maser Consulting, traffic engineer concluding that, based on the review of 2019 traffic counts, the previous traffic projections together with the estimates for the project included in the original SEQRA determination and 2017 Consistency Determination are still valid.
5. Completed Site Plan Checklist
6. Completed Clearing and Grading Application
7. Signed Fee Law Acknowledgment- note the Applicant has an escrow account that has the amount of \$3,988.87 remaining and hereby requests that the full application fee be waived given that this is a mere reauthorization of an approval with no revisions proposed
8. Completed proxy statement authorizing Jacobowitz and Gubits, LLP and Divney, Tung, Schwalbe to appear on behalf of the Applicant
9. Executed Planning Board Disclaimer Application
10. Completed GML 809 Disclosure

11. Completed Ag Data Statement
12. Completed ARB application
13. Three (3) Copies of the Site Plan
14. List of Adjoining Property Owners- Note this will be provided under separate cover within 10 days of the Applicant's first appearance before the Planning Board if deemed necessary

All of the information provided, with the exception of the EAF, and the letter from Maser on traffic, are virtually identical to the information submitted to your board in 2017.

I respectfully request that this matter be placed on the Planning Board's May 7, 2020 meeting agenda. Thank you for your consideration.

Yours Very Truly

A handwritten signature in black ink, appearing to read "John C. Cappello", written in a cursive style. The signature is positioned above the printed name "John C. Cappello".

John C. Cappello

/JCC

Cc: Hon Gil Piaquadio, Supervisor via email [supervisor@townofnewburgh.org](mailto:supervisor@townofnewburgh.org)  
Dominic Cordisco, Esq via email [dcordisco@drakeloeb.com](mailto:dcordisco@drakeloeb.com)  
Mark Taylor, Esq via email [Mtaylor@riderweiner.com](mailto:Mtaylor@riderweiner.com)  
Hon Gerald Canfield, via email [codecompliance@townofnewburgh.org](mailto:codecompliance@townofnewburgh.org)

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

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

**DATE RECEIVED:** \_\_\_\_\_ **TOWN FILE NO:** \_\_\_\_\_  
(Application fee returnable with this application)

**1. Title of Subdivision/Site Plan (Project name):**

The Hudson Valley Ridge- Site Plan Amendment No. 6 Reauthorization

**2. Owner of Lands to be reviewed:**

**Name** Ridge Hudson Valley, LLC; c/o Waterstone Properties  
**Address** 117 Kendrick Street Suite 325  
Needham, Massachusetts 02494  
**Phone** 781-559-3301 x173

**3. Applicant Information (If different than owner):**

**Name** \_\_\_\_\_  
**Address** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Representative** Greg Day, Director  
**Phone** 617-549-7385  
**Fax** \_\_\_\_\_  
**Email** gday@waterstonepg.com

**4. Subdivision/Site Plan prepared by:**

**Name** Divney Tung Schwalbe, LLP  
**Address** 1 North Broadway  
White Plains, NY 10601  
Contact: Mark Gratz, P.E.  
**Phone/Fax** 914-428-0010

**5. Location of lands to be reviewed:**

North East corner of I-84 and Union Avenue

**6. Zone** 1-B **Fire District** Orange Lake  
**Acreage** 127.6 **School District** Newburgh

**7. Tax Map: Section** 60 **Block** 3 **Lot** 49.22; 49.1; 41.3; 48; 41.4

**8. Project Description and Purpose of Review:**

Number of existing lots N/A      Number of proposed lots N/A  
Lot line change N/A  
Site plan review X  
Clearing and grading N/A  
Other SEQRA Review

**PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT**

**9. Easements or other restrictions on property:**

(Describe generally) Utility Easements of Record

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

Signature       Title Principal

Date: 04/21/2020

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

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

**PROJECT SUMMARY**  
**FOR**  
**SIXTH AMENDED SITE PLAN REAUTHORIZATION**

*(FORMER PROJECT # 2017-01)*

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**Nature of Application**

The Ridge (f/k/a The Marketplace & The Loop) received Planning Board approval of a Sixth Amended Site Plan in June, 2017 that permitted the use of that property for a retail shopping center. That Planning Board approval was valid for a two-year period expiring in June, 2019. On April 4, 2019 the Planning Board approved a one-year extension of its approval until June 20, 2020. With that approval set to expire and no further extensions permitted, this application seeks the “reauthorization” of the originally approved June 15, 2017 Sixth Amended Site Plan without modification.

**Property Involved**

The property affected by this application 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 Site Plan Drawings submitted in support of this reauthorization application include:

### **Site Plan Drawings**

<b>Sheet No.</b>	<b>Description</b>	<b>Drawing Scale</b>	<b>Last Re-vised</b>	<b>Prepared By:</b>
---	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
SP-5.5	Water Quality and Detention Basin Sections and	NTS	02/21/17	DTS

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

### **Landscape Drawings**

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

### **Legend**

DTS Divney Tung Schwalbe  
TMA Tim Miller Associates  
CHA Charron Inc.  
MC Maser Consulting

### **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 but never filed with the County Clerk. 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. The application for Sixth Amended Site Plan approval was submitted on December 19, 2016 and approved on June 15, 2017.

#### PUBLIC HEARING

Public hearings were held during earlier phases of the review of this project, including a public hearing on the subject Sixth Amended Site Plan on June 1, 2017 (and closed on the same date.)

#### 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 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 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 comments), 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.

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.

The Planning Board received an application for a Sixth Amended Site Plan approval on December 19, 2016 and granted its approval on June 15, 2017. In rendering its decision the Board considered written submissions from the applicant and the review comments of the board's consultants. The Planning Board found, after review of all of those materials, that the Sixth 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 15, 2017.

Copies of all prior SEQRA documents are hereby incorporated by reference.

### **GML 239 Referral**

The Sixth Amended Site Plan was referred to the Orange County Planning Department for review and report. The Planning Department recommended approval subject to adherence to two comments contained within its report; those comments being 1 and 2. The Planning Board reviewed that report and recommendation and made 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 determined in its approval of the Sixth Amended Site Plan that the proposed development would substantially serve the public convenience, safety and welfare; and would 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 found 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 Sixth Amended Site Plan proposal. In this regard, the Sixth Amended Site Plan proposed 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 Sixth Amended Site Plan, similar to the fourth amended site plan, will result in a substantial 12-acre further reduction in impervious surfaces and a 9-acre reduction in disturbance to forested lands. 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 Sixth Amended Site Plan proposal was found to be 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 15, 2017.

### **Resolution of Approval**

On June 15, 2017 the Planning Board resolved to approve the Sixth Amended Site Plan as depicted on the plans identified above with the conditions outlined below, and the Chairperson (or his designee) was authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing. The Planning Board Chairman signed the plans on December 15, 2017.

### **Specific Conditions**

1. The demolition of houses on Brookside and the cul-de-sac re-configuration on that road shall be completed to the satisfaction of the Town of Newburgh Code Compliance Department not later than December 31, 2017 or all other work must cease. ***(Demolition of all homes required by the approved site plan have been completed and the reconfiguration of the cul-de-sac and associated land transfer to the Town of Newburgh was finalized in December 2017.)***
2. 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.
3. Proof that the undertaking, developer's agreement and all financial security documents and obligations have been assigned or assumed shall be delivered to the planning board before the plans are signed. ***(The assignment and assumption of all documents from WB Interchange Associates LLC***

***and/or Marketplace at Newburgh LLC to Ridge Hudson Valley LLC was executed on December 22, 2016 and such notice was delivered to the Planning Board.)***

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 contacted Transit Orange in order to discuss an internal bus route on the project site, but Transit Orange indicated that extending the bus route into the project site is not feasible. The Applicant will discuss the feasibility of providing accommodations for a local bus service stop at the Route 300 entrance with NYSDOT. Should those discussions result in changes to the site plan, 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 contacted and met with the New York State Department of Transportation 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. 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

8. Not more than 530,000 square feet of commercial floor area may be constructed until the Route 52/Fifth Avenue access road improvements are completed. **(At the request of the Planning Board, the Applicant added in the Sixth Amended Site Plan an emergency access from Brookside Avenue.)**
9. Conditions of the original resolution of approval 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 Amended Site Plan approval.

Architectural Review Board Approval

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

11. 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 Allevalo. 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. 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. 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. Pursuant to 185-57 (L), together with 163-9 (B) [incorporated therein by reference], as well as 185-50 (D), this approval shall be subject to the applicant demonstrating prior posting or new posting, with the Town Clerk, of a performance security, in an amount to be fixed by the town board upon recommendation of the town's landscape consultant in order to secure timely completion and appropriate maintenance of the landscaping improvements depicted on the plans, satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. The performance security shall recite that all improvements secured thereby shall be completed within three year(s) of this approval and maintained for a period of two years thereafter. The Town's Landscape Architect, is hereby authorized to periodically inspect the

site in order to insure compliance with this condition. 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. The applicant shall be required to pay the required landscaping security to the town before the plans are signed. The amount of the landscape security may be adjusted (upon recommendation of the Town's landscape consultant) if warranted due to changes in the market pricing of the required landscape materials. The applicant shall be required to pay the required landscaping inspection fee in the amount of \$4,000 to the town before the plans are signed. **(This bond has been posted and remains in effect.)**

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

*Stormwater Improvement Security & Inspection Fee*

16. The applicant's predecessor in interest had delivered a performance security to the Town Clerk, pursuant to Section 157-10 (B) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the applicant will faithfully

cause to be constructed and completed the required public stormwater improvements shown on the plans. The performance security was in an amount set by the Town Board and found satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years was forth in the document of surety within which required improvements must be completed. That performance security remains in place. An inspection fee in an amount in accordance with Section 104-2 (A)(8) was also be paid to the Town at that time to cover the cost of the Town's periodic inspection of the erosion control measures to be implemented by the applicant. **(This bond has been posted and remains in effect.)**

17. 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. ***(Hudson Valley Ridge executed that agreement on 11/7/17.)***

Outdoor Fixtures & Amenities

18. The Sixth 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**

The approval was further 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 was also simultaneously submitted to the Planning Board Engineer. The plans were not to have been signed until the Planning Board Engineer 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. The plans were signed by the Planning Board Chairman on December 15, 2017.

## **Construction Completed to Date**

Following is a brief summary of construction activity completed to date:

- Installation of soil erosion and sediment controls.
- Installation of site security fencing
- Clearing of approximately 72-acres.
- Installation of construction haul roads and general land grading activity related to the installation/construction of Stormwater Basins A-A and C-C and associated storm drainage culvert piping.
- Installation of Stormwater Basins A-A and C-C outlet control structures and associated outlet storm drainage piping.
- Completion of all wetland filling activity related to the USACOE and NYSDEC wetland permits.

- Construction of new wetlands as mitigation per permitting.
- Installation of all wetland mitigation planting material.
- Demo of the 3 remaining residential structures requiring demolition (2 on Brookside, 1 on Plank Road) and the cul-de-sac reconfiguration on Brookside Avenue (in total 8 homes have been demolished.)
- On-going water well monitoring of individual wells serving properties located within 500 feet of blasting activity adjacent to the residential neighborhood to the north of the Project Site in accordance with the approved Well Monitoring Plan.

### **Summary and Conclusion**

Approval of the Sixth Amended Site Plan, pursuant to Section 185-58 (E) of the Zoning Ordinance, is set to expire on or about June 15, 2020. As a result the Applicant is making this application for reauthorization of the Planning Board approval of the Sixth Amended Site Plan.

**THE RIDGE [f/k/a The LOOP and Marketplace at Newburgh]  
FOURTH 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 700,000 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

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 application for amended site plan approval via letter dated December 19, 2016, 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.

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.

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;

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.

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 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

**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

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

## **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.

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 modification to the site plan as described in the December 19, 2016 letter 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, prepared by Maser Consulting P.A., 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 Boards' professional traffic consultant concurred with Maser Consulting's study.

### **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 530,000 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, 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 15, 2017

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

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By: John P. Ewasutyn, Planning Board Chairman

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

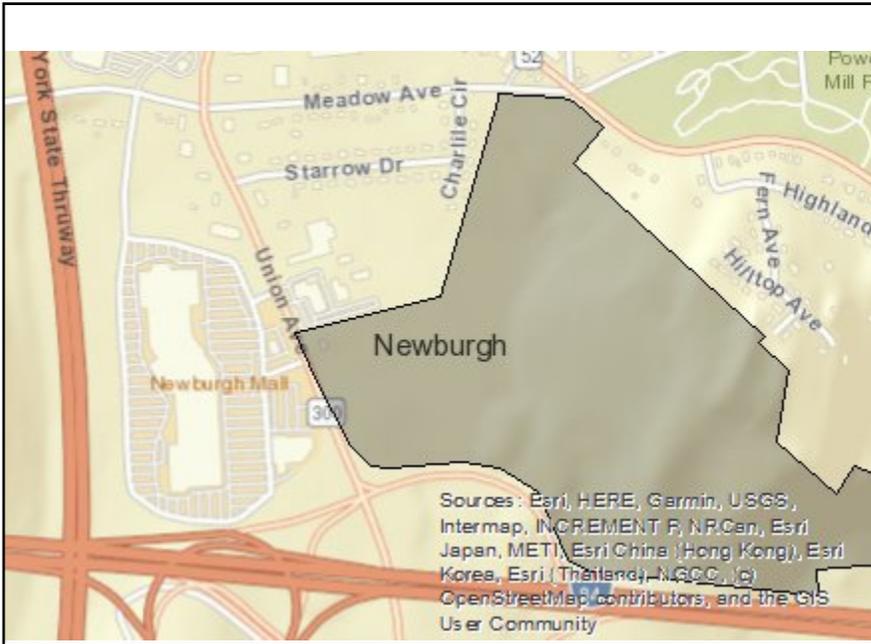
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: The Hudson Valley Ridge - Site Plan Amendment No. 6 Reauthorization			
Project Location (describe, and attach a location map): Northeast corner of I-84 and Union Ave.			
Brief Description of Proposed Action: Site Plan Approval reauthorization for a Master Plan 700,000 SF Shopping Center. The Phase 1 development plan is to consist of 530,000 SF of retail buildings, parking, roads, stormwater management facilities, and utility infrastructure. The project is on 127.6 acres of land north of I-84 and east of Union Avenue (NYS Rt. 300).			
Name of Applicant or Sponsor: Ridge Hudson Valley, LLC; c/o Waterstone Properties		Telephone: 617-549-7385 E-Mail: gday@waterstonepg.com	
Address: 322 Reservoir Street			
City/PO: Needham		State: Massachusetts	Zip Code: 02494
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Orange County Health Dept. (Water System); NYSDEC SPDES Permit (Construction Activity); NYSDOT Highway Work Permits (Off-site Roads); Orange County 239 Municipal Review		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 127.6 acres _____ 78.3* acres _____ 127.6 acres	* All amendments included in the proposed action are within the limits of disturbance previously shown
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: All new buildings will be designed in complete conformance with NYS Energy Code requirements. _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	



# EAF Mapper Summary Report



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-205
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes

E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Indiana Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Orange Mill Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



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T: 914.347.7500  
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[www.maserconsulting.com](http://www.maserconsulting.com)

April 10, 2020

**VIA EMAIL**

Mr. Greg Day  
Waterstone Properties  
322 Reservoir Street  
Needham, MA 02494

Re: The Ridge Hudson Valley  
Newburgh, Orange County, New York  
MC Project No. 19000829A

Dear Mr. Day:

As requested, Maser Consulting had collected updated traffic counts at various key intersections in the vicinity of the above referenced site during October 2019. These traffic counts were collected to update the existing conditions traffic database for the area intersections and to identify if there were any significant changes in traffic patterns since the time of the previous traffic evaluation for The Ridge Hudson Valley development.

Based on the recent traffic counts, which are summarized on the attached figures, we conclude that the previous traffic projections together with the estimates for the project are still valid. The access related and other offsite improvements, which were previously identified and part of the requirements of the previous Adopted Findings Statement and Site Plan Approvals, will still have to be completed. These will continue to be coordinated with the Town and New York State Department of Transportation (NYSDOT) as part of the Highway Work Permit process as the project proceeds.

If you have any questions regarding the above, please do not hesitate to contact us.

Very truly yours,

MASER CONSULTING P.A.

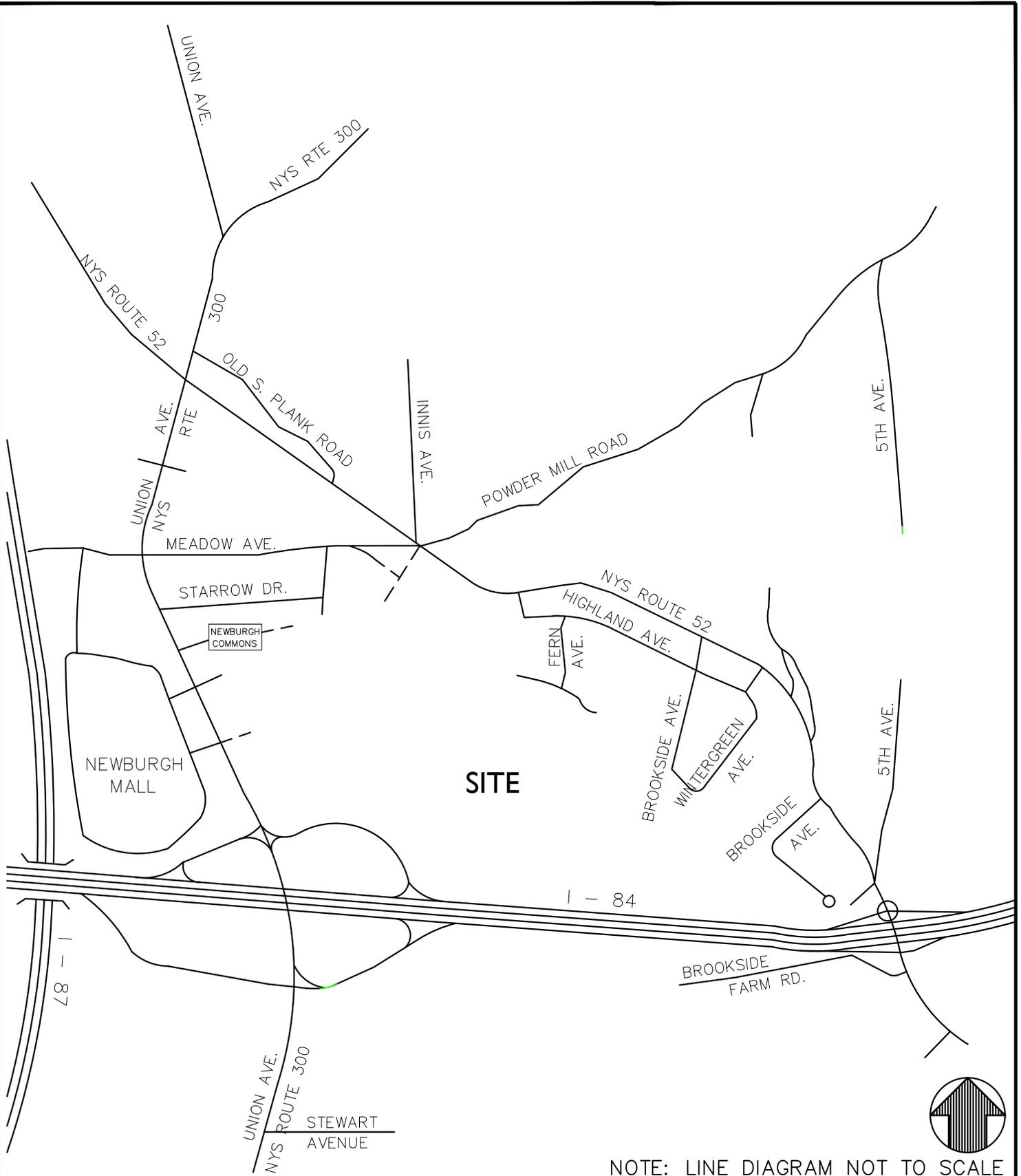
A handwritten signature in blue ink, appearing to read 'Philip J. Grealy', is written over a blue circular stamp or seal.

Philip J. Grealy, Ph.D., P.E.  
Principal/Department Manager

PJG/ces  
Enclosures  
cc: M. Gratz, P.E.

R:\Projects\2019\19000829A\_The Ridge Hudson Valley\Correspondence\OUT\200410PJG\_Day Ltr.docx

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NOTE: LINE DIAGRAM NOT TO SCALE

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**THE RIDGE HUDSON VALLEY**

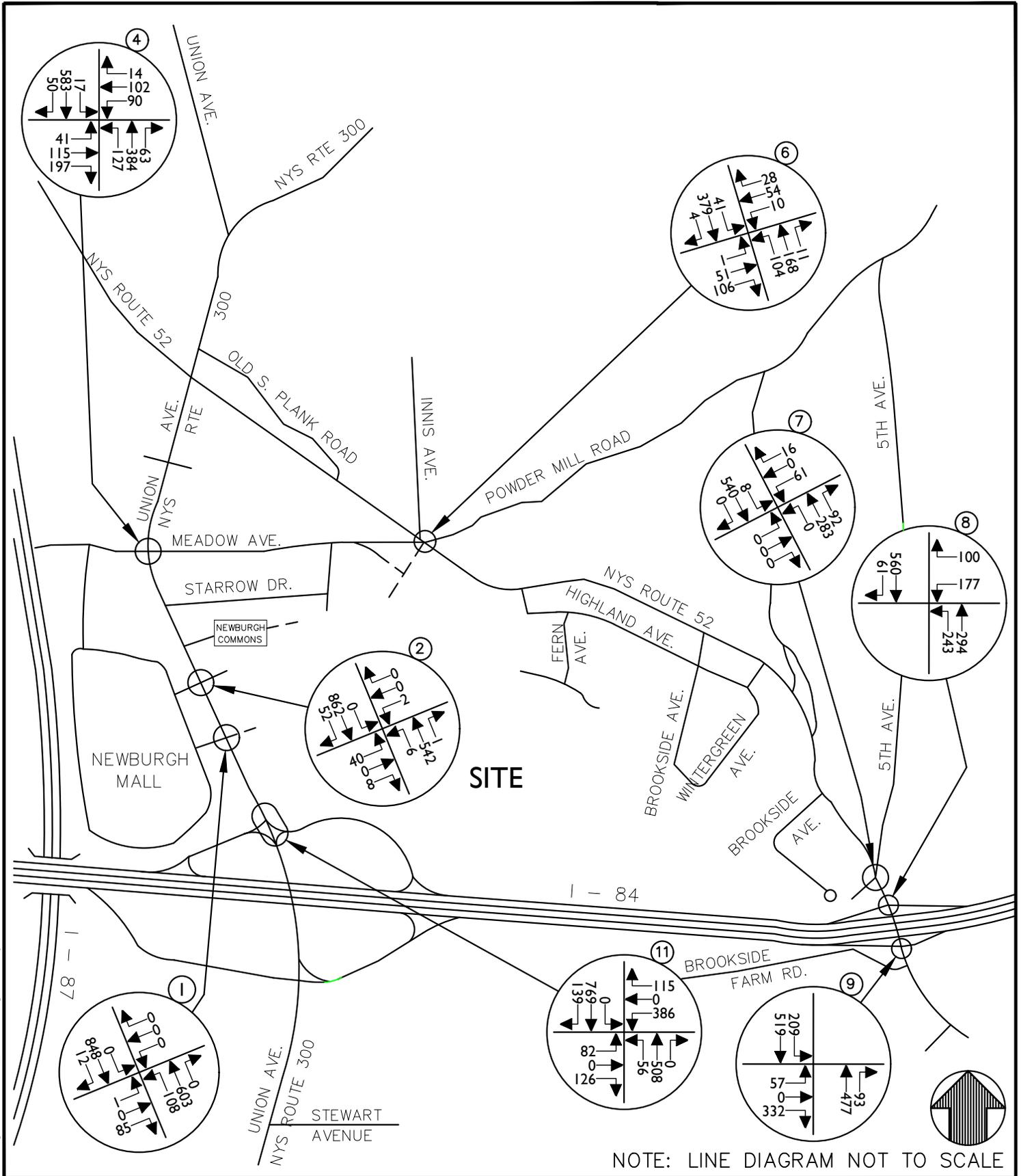
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TRAFFIC IMPACT STUDY			
SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN:	11/7/19	R.H.	P.J.G.
PROJECT NUMBER:	DRAWING NAME:		
19000829A	191106RH_FIGURE		
SHEET TITLE:			
SITE LOCATION MAP			
SHEET NUMBER:			
1			



NOTE: LINE DIAGRAM NOT TO SCALE



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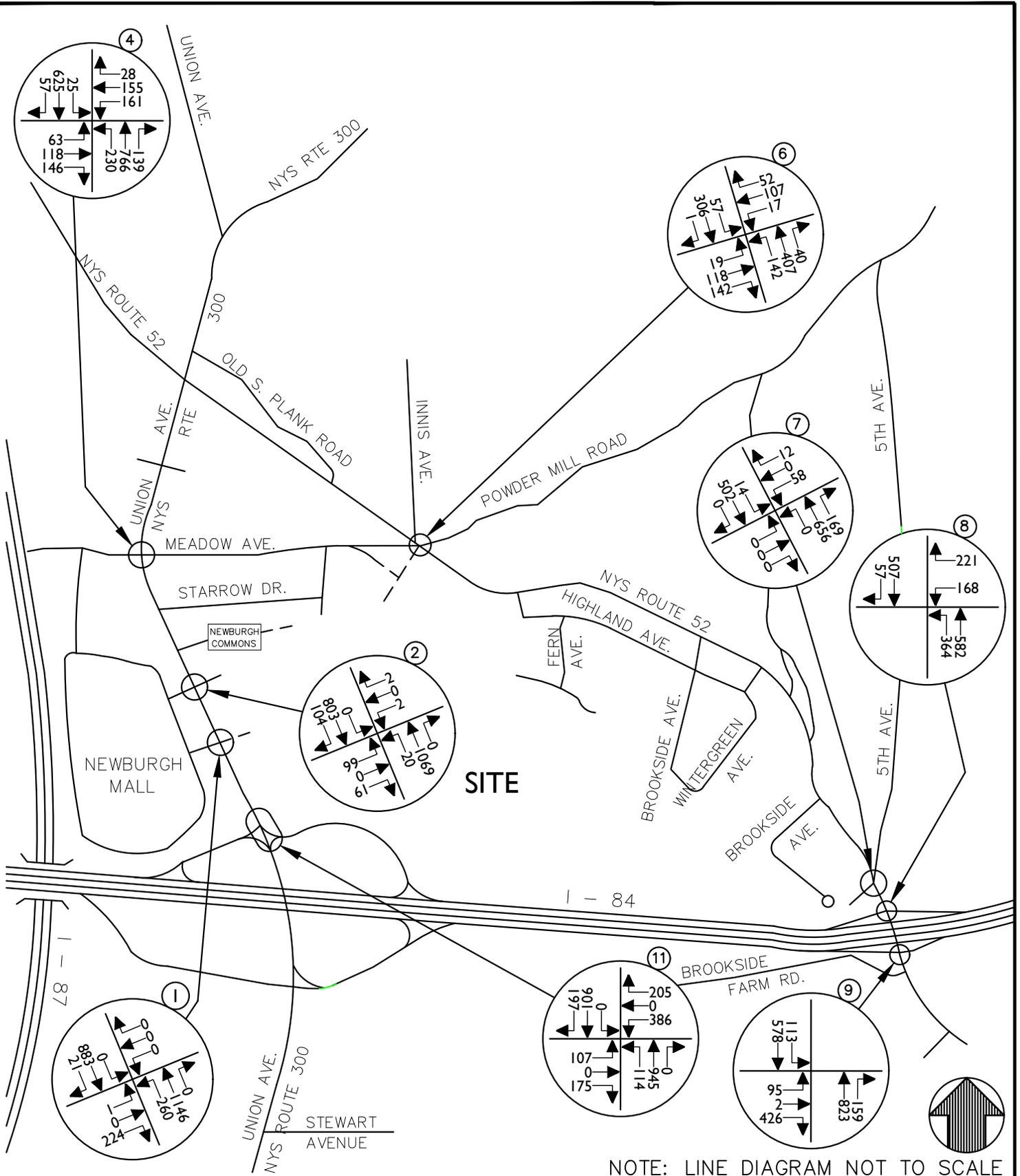
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TRAFFIC IMPACT STUDY			
SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	11/7/19	R.H.	P.J.G.
PROJECT NUMBER:	DRAWING NAME:		
19000829A	191106RH_FIGURE		
SHEET TITLE:			
2019 EXISTING TRAFFIC VOLUMES WEEKDAY PEAK AM HOUR			
SHEET NUMBER:			
2			



NOTE: LINE DIAGRAM NOT TO SCALE

**MASER CONSULTING P.A.**

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**THE RIDGE HUDSON VALLEY**

NYS ROUTE 300  
TOWN OF NEWBURGH  
ORANGE COUNTY  
NEW YORK

**PROTECT YOURSELF**  
ALL STATES REQUIRE NOTIFICATION OF EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN ANY STATE

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TRAFFIC IMPACT STUDY			
SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	11/7/19	R.H.	P.J.G.
PROJECT NUMBER:	DRAWING NAME:		
19000829A	191106RH_FIGURE		
SHEET TITLE:			
2019 EXISTING TRAFFIC VOLUMES WEEKDAY PEAK PM HOUR			
SHEET NUMBER:			
3			



**TOWN OF NEWBURGH PLANNING BOARD**

The Hudson Valley Ridge-  
Site Plan Amendment No. 6 Reauthorization

**PROJECT NAME**

**CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN**

**I. The following items shall be submitted with a COMPLETED Planning Board Application Form.**

1.  X  Environmental Assessment Form As Required
2.  X  Proxy Statement
3.  X  Application Fees
4.  X  Completed Checklist (Automatic rejection of application without checklist)

**II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.**

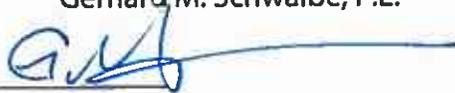
1.  X  Name and address of applicant
2.  X  Name and address of owner (if different from applicant)
3.  X  Subdivision or Site Plan and Location
4.  X  Tax Map Data (Section-Block-Lot)
5.  X  Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6.  X  Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7.  X  Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8.  X  Date of plan preparation and/or plan revisions
9.  X  Scale the plan is drawn to (Max 1" = 100')
10.  X  North Arrow pointing generally up

11. X **Surveyor,s Certification**  
See survey attached to site plan drawing set.
12. X **Surveyor's seal and signature**  
See survey attached to site plan drawing set.
13. X **Name of adjoining owners**
14. X **Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements**  
No D.E.C. wetlands on-site.
15. X **Flood plain boundaries**  
Shown on Drawings SP-2.2 and 2.3.
16. X **Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989**
17. N/A **Metes and bounds of all lots**  
Project not a subdivision.
18. X **Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street**
19. X **Show existing or proposed easements (note restrictions)**
20. X **Right-of-way width and Rights of Access and Utility Placement**
21. X **Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)**  
Road profiles shown on Drawing SP-3.0.
22. X **Lot area (in sq. ft. for each lot less than 2 acres)**
23. X **Number of lots including residual lot**  
No change. Existing lots to remain.
24. X **Show any existing waterways**
25. N/A **A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable**  
No public dedication of any roads.
26. N/A **Applicable note pertaining to owners review and concurrence with plat together with owner's signature**  
Project not a subdivision.
27. X **Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.**  
See accompanying Site Plan Drawings.
28. N/A **Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided**  
Project not a subdivision.
29. X **Show topographical data with 2 or 5 ft. contours on initial submission**

30. X **Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number**
31. N/A **If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed**  
No public dedication of any roads.
32. X **Number of acres to be cleared or timber harvested**
33. X **Estimated or known cubic yards of material to be excavated and removed from the site**  
750,000 CY Excavation; 0 CY Export (w/exception of unsuitable material)
34. X **Estimated or known cubic yards of fill required**  
100,000 CY. Select Material Import Only. Import of fill material is not expected.
35. X **The amount of grading expected or known to be required to bring the site to readiness**  
850,000 CY. Balanced cut and fill. Grading limits shown on the Site Plan Drawings.
36. N/A **Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.**  
Not applicable. There are no D.E.C. regulated wetlands on-site.
- 
37. X **Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.**  
Minor filling of on-site stream. Approximately 100 CY.  
(Work was completed under Site Plan Amendment No. 6.)
- 
38. X **List of property owners within 500 feet of all parcels to be developed (see attached statement).**

**The plan for the proposed subdivision or site has been prepared in accordance with this checklist.**

Gerhard M. Schwalbe, P.E.

By: 

**Licensed Professional**

Date: April 22, 2020

**This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.**

Prepared (insert date): April 22, 2020

**TOWN OF NEWBURGH**  
**APPLICATION FOR CLEARING AND GRADING**

**Name of applicant:** Ridge Hudson Valley, LLC, c/o Waterstone Properties

**Name of owner on premises:** Neal Shalom

**Address of owner:** 339' Mgpf tlem! Ut gg v! Uwk g' 547' P gg f j co . 'O C' 246; 6

**Telephone number of owner:** 781-559-3301 x173

**Telephone number of applicant:** Same as Owner

**State whether applicant is owner, lessee, agent, architect, engineer or contractor:**

Owner

**Location of land on which proposed work will be done:** \_\_\_\_\_

North East corner of I-84 and Union Avenue

**Section:** 60      **Block:** 3      **Lot:** 49.22; 49.1; 41.3; 48; 41.4      **Sub. Div.:** \_\_\_\_\_

**Zoning District of Property:** I-B      **Size of Lot:** 127.6 Ac.

**Area of lot to be cleared or graded:** 70 Ac., Approx. (Includes work completed to date.)

**Proposed completion of date:** 12/2023

**Name of contractor/agent, if different than owner:** N/A

**Address:** N/A

**Telephone number:** N/A

**Date of Planning Board Approval:** N/A (if required)

**I hereby agree to hold the Town of Newburgh harmless from any claims arising from the proposed activity.**

**Signature of owner:**       **Date:** 04/21/2020

**Signature of applicant (if different than owner):** N/A

**TOWN ACTION:**

**Examined:** \_\_\_\_\_ **20** \_\_\_\_\_

**Approved:** \_\_\_\_\_ **20** \_\_\_\_\_

**Disapproved:** \_\_\_\_\_ **20** \_\_\_\_\_

**FEE ACKNOWLEDGEMENT**

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

Ridge Hudson Valley, LLC  
c/o Waterstone Properties

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**APPLICANT'S NAME (printed)**



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**APPLICANTS SIGNATURE**

04/21/2020

---

**DATE**

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

**PROXY**

(OWNER) Neal Shalom, **DEPOSES AND SAYS THAT HE/SHE**  
**RESIDES AT** 117 Kendrick Street Suite 325 Needham, MA 02494  
**IN THE COUNTY OF** Norfolk  
**AND STATE OF** Massachusetts  
**AND THAT HE/SHE IS THE OWNER IN FEE OF** \_\_\_\_\_  
The Hudson Valley Ridge

**WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING**  
**APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH**  
**PLANNING BOARD AND** \_\_\_\_\_ **IS AUTHORIZED**  
**TO REPRESENT THEM AT MEETINGS OF SAID BOARD.**

**DATED:** 04/21/2020

John C. Cappello, Esq.

Philip J. Grealy, Ph.D., P.E.

Gerhard M. Schwalbe, P.E.

Mark S. Gratz, P.E.

**NAMES OF ADDITIONAL  
REPRESENTATIVES**



\_\_\_\_\_  
**OWNERS SIGNATURE**

Neal Shalom

\_\_\_\_\_  
**OWNERS NAME (printed)**

Bill Comeau

\_\_\_\_\_  
**WITNESS' SIGNATURE**



\_\_\_\_\_  
**WITNESS' NAME (printed)**

**PLANNING BOARD DISCLAIMER STATEMENT**  
**TO APPLICANTS**

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

The applicant hereby acknowledges, consents, and agrees to the above.

04/21/2020

\_\_\_\_\_  
**DATED**

Ridge Hudson Valley, LLC  
c/o Waterstone Properties

\_\_\_\_\_  
**APPLICANT'S NAME** (printed)



\_\_\_\_\_  
**APPLICANT'S SIGNATURE**

**DISCLOSURE ADDENDUM STATEMENT TO APPLICATION,  
PETITION AND REQUEST**

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the Town of Newburgh, or Orange County, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

    X     **NONE**

                     **NAME, ADDRESS, RELATIONSHIP OR INTEREST**  
(financial or otherwise)

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This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of the Town of Newburgh.

    X     **TOWN BOARD**  
    X     **PLANNING BOARD**  
    X     **ZONING BOARD OF APPEALS**  
    X     **ZONING ENFORCEMENT OFFICER**  
    X     **BUILDING INSPECTOR**  
    X     **OTHER**

04/21/2020

**DATED**



**INDIVIDUAL APPLICANT**

Ridge Hudson Valley, LLC  
c/o Waterstone Properties

**CORPORATE OR PARTNERSHIP APPLICANT**

**BY:** Principal

(Pres.) (Partner) (Vice-Pres.)  
(Sec.) (Treas.)

## **AGRICULTURAL NOTE**

**(Required to be placed on all plans where property lies within 500 feet of land in active agricultural production or operation)**

Property adjacent to lots ( 1 ) is in active agricultural operation and production and residents must be aware that such property is protected by New York State “Right to Farm Laws” as regulated by the Department of Agriculture and Markets. From time to time during and prior to the normal growing season land and crops may be sprayed from the ground or by air, manure may be applied, and periodic noise may occur from machinery operation at various times throughout the day. Residents should be aware of this action by the adjacent property owners.

( 1 ) Specific lots adjacent to the active farming area which are impacted shall be inserted in this space.

**AGRICULTURAL DATA STATEMENT**

(Required pursuant to Agricultural and Markets Law §305-a for applications for site plan approvals, use variances and subdivision approvals that will occur on property within a County Agricultural District containing an active farm operation or on property with boundaries within five hundred feet of an active farm operation located in a County Agricultural District)

**Name and address of the applicant:** Ridge Hudson Valley, LLC  
c/o Waterstone Properties Group 117 Kendrick Street Suite 325 Needham, MA 02494

**Description of the proposed project:** Reauthorization of Site Plan Approval No. 6  
The Ridge Hudson Valley a Master Plan 700,000 SF Shopping Center.

**Location of the proposed project:** North East corner of I-84 and Union Avenue

**Name(s) and address(es) of any owner(s) of land within a County Agricultural District containing active farming operations and located within five hundred feet of the boundary of the project property:** N/A

**A tax map or other map showing the site of the proposed project relative to the location of the identified farm operations must be attached to this form.**

  
\_\_\_\_\_

**APPLICANT'S SIGNATURE**

04/21/2020

**DATE**

## **ARCHITECTURAL REVIEW**

The Town of Newburgh Planning Board had been authorized to act as the Architectural Review Board for all: site plans, projects involving ten or more dwelling units, and any construction that would affect the character of a neighborhood under Section §185-59 of the Town Code (Zoning Law).

In order to perform this task, at some point prior to final approval, the applicant shall provide the Planning Board with elevations of buildings for all sides and a written (separately or on drawings) description of the materials, colors and textures to be used in construction. Plans shall also include topographical information and any screening of portions of the buildings, either existing or proposed.

Samples of the material and colors to be used shall either be submitted to the Planning Board or brought to the meeting at which architectural review will be discussed.

**ARCHITECTURAL REVIEW FORM**  
**TOWN OF NEWBURGH PLANNING BOARD**

**DATE:** April 21, 2020

**NAME OF PROJECT:** The Hudson Valley Ridge-  
Site Plan Amendment No. 6 Reauthorization

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

**EXTERIOR FINISH (skin of the building):**

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

To Be Submitted

**COLOR OF THE EXTERIOR OF BUILDING:**

To Be Submitted

**ACCENT TRIM:**

**Location:** To Be Submitted

**Color:** To Be Submitted

**Type (material):** To Be Submitted

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

To Be Submitted

**ROOF:**

**Type (gabled, flat, etc.):** To Be Submitted

**Material (shingles, metal, tar & sand, etc.):** To Be Submitted

**Color:** To Be Submitted

**WINDOWS/SHUTTERS:**

**Color (also trim if different):** \_\_\_\_\_ To Be Submitted

**Type:** \_\_\_\_\_ To Be Submitted

**DOORS:**

**Color:** \_\_\_\_\_ To Be Submitted

**Type (if different than standard door entrée):** \_\_\_\_\_ To Be Submitted

**SIGN:**

**Color:** \_\_\_\_\_ To Be Submitted

**Material:** \_\_\_\_\_ To Be Submitted

**Square footage of signage of site:** \_\_\_\_\_ To Be Submitted

**Neal Shalom, Principal**

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



**Signature**