



Ladies and Gentlemen:

Enclosed please find the application of the Dutchess County Industrial Development DCIDA (the "DCIDA"). Please be advised that there is a \$250.00 application fee to be paid by the client and to be enclosed with the completed application in order to enable the DCIDA to proceed with the benefit package.

You will receive an Engagement Letter which constitutes an explanation of legal fees and costs related to our counsels' work with respect to your project. This Engagement Letter will require an escrow account of \$5,000.00 and our counsel will invoice you monthly on an hourly rate basis for services rendered and deduct it from the escrow account. Should you terminate the agreement or abandon the project, any unused funds will be returned to you. If you have any questions concerning this matter, please contact me.

I advise you that the DCIDA itself does not lend money. Instead, the DCIDA issues bonds for the benefit of the project applicant. The project applicant must find a purchaser of the bonds and agree as to terms and conditions of repayment, interest rate, interim advances during construction, what securities are to be pledged, etc., just as the project applicant and a lender would in any other secured transaction. On filing an application, the project applicant should be fairly secure in knowing where to obtain the requisite moneys.

No work should be commenced or construction contracts entered into or materials ordered or land purchased if any of these expenses are to be included in the bond issue prior to the DCIDA passing an Inducement Resolution and Agreement with the project applicant after an application is filed. To do so may jeopardize the inclusion of the expense of such item in the bond issue.

In completing the application, please note certain material is requested that is required by statute in order to authorize the issuance of the bonds, to wit: the increased employment and your history as to location and why you are expanding or locating in Dutchess County. The bonds are issued as an inducement in industrial, commercial and warehousing facilities that presently do not exist in Dutchess County, or, if they exist, there is an expansion program contemplated. The bond proceeds cannot be used in any way for refinancing existing mortgages.

Prior to the issuance of IDA benefits (PILOT and/or bonds), the project applicant is required to make an agreement in lieu of taxes with all local taxing authorities and furnish the DCIDA with a certified copy of all of the agreements in lieu of taxes. An issue will not close without this document in place. The processing fees of the DCIDA is one percent (1%) of the first \$2.5 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$2.5 million

The project applicant additionally will be required to pay DCIDA Counsel fees, Bond Counsel fees and other direct expenses of the DC IDA, including, but not limited to, accounting and engineering expenses. The project applicant agrees that such legal fees and other direct expenses of the DCIDA such as publication costs and stenographer's fees are payable separately from the application and processing fees. The above fees will be payable in full on the sale of the bonds. Failure and neglect to proceed to close will result in pro rata tender of billings.

Upon receiving the application in my office, I will convene a meeting of the DCIDA to meet with the principals personally to discuss the application, as now required by DCIDA policy.

Please note that the DCIDA is under no obligation to act favorably on this application, and the project applicant agrees to release the DCIDA, its members, its staff, its successors and assigns from any claim against the DCIDA that may arise from the DCIDA's processing the application or by the DCIDA's either granting or denying the application.

Because the DCIDA is an exempt organization under the Internal Revenue Code of 1986, as amended, I advise you further that certain benefits will accrue during construction, such as the nonpayment of sales taxes on goods purchased for either initial construction or start-up equipment. Furthermore, upon the filing of documents, no mortgage tax will be necessary between the DCIDA and a trustee or bank collecting the moneys during the financing for the repayment of bonds. In accordance with New York State regulations, you are advised that we are obligated to include a "Recapture of Benefit Provision" in our application which details DCIDA procedure to be utilized to recapture benefits given to projects in certain instances.

If I can be of further assistance, please feel free to contact our office.

Very truly yours,



Sarah Lee  
Executive Director

Enclosures

PLEASE TAKE NOTICE — The DCIDA in certain respects is subject to the Freedom of Information Law or Sunshine Laws of the State of New York. If there are any confidential matters or negotiations for real property taking place that would be adversely affected by revelation of the particulars to the public or media, it is suggested that this matter be discussed with the DCIDA Counsel or personnel directly and not set forth in the initial application unless required by Bond Counsel for the preparation of the Inducement Resolution. Any financial disclosures of the project applicant requested should be marked confidential to ensure their attention as confidential documents. Although the DCIDA does not pass on the project applicant's financial ability to pay, which is the bond purchaser's prerogative, the DCIDA does want to know that the project applicant is a viable business enterprise.



Dutchess ● Industrial  
County ● Development  
● Agency

To help companies locate here, make needed capital expansion  
or grow existing and new jobs.

3 Neptune Road  
Poughkeepsie, NY 12601  
Phone: 845.463.5400 Fax: 845.463.0100  
Email: [info@thinkdutchess.com](mailto:info@thinkdutchess.com)  
[www.thinkdutchess.com](http://www.thinkdutchess.com)

APPLICATION FOR FINANCIAL ASSISTANCE





## **DCIDA Board and Staff OFFICERS**

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### **Chairman**

Timothy E. Dean

### **Vice Chairman**

Mark Doyle

### **Secretary/Treasurer**

Kathleen M. Bauer

### **Executive Director**

Sarah Lee

### **Chief Financial Officer**

Marilyn Yerks

### **Compliance Officer/ Records Access Officer**

Marilyn Yerks

## **BOARD OF DIRECTORS**

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Amy Bombardieri

Kathleen M. Bauer

Timothy E. Dean

Mark Doyle

Don Sagliano

Alfred D. Torreggiani

### **Counsel**

Donald Cappillino

Elizabeth Cappillino

## **COUNTY GOVERNMENT**

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### **County Executive**

Marcus J. Molinaro

Dutchess County Office Building

22 Market Street, Sixth Floor

Poughkeepsie, NY 12601

Tel.# (845) 486-2000(B) Fax # (845) 486-2021

Email: [mmolinaro@dutchessny.gov](mailto:mmolinaro@dutchessny.gov)

This e-mail address is being protected from  
spambots

### **Dutchess County Legislature**

A. Gregg Pulver, Chairman

Dutchess County Office Building

22 Market Street, Sixth Floor

Poughkeepsie, NY 12601

Tel # (914) 474-0908 (B) Fax # (845) 486-2113

Email: [gpulver@dutchessny.gov](mailto:gpulver@dutchessny.gov)



## MISSION STATEMENT

*The Dutchess County Industrial Development Agency [DCIDA] was created to further economic development in Dutchess County through the issuance of bonds to facilitate the building of capital projects with the resultant construction jobs and permanent follow on employment.*



## INSTRUCTIONS

### **I. Application Submission and Application Fees**

All applications will be subject to approval of the Dutchess County Industrial Development DCIDA (“DCIDA”) and no financial Assistance can be provided, including a sales tax exemption on purchases made prior to DCIDA approval, until the application has been approved.

The DCIDA will not approve any applications unless, in the judgment of the DCIDA, the application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action. The DCIDA may find it necessary to request additional information, should additional information be required the DCIDA will not consider the application complete until all additional information is received.

The DCIDA will not give final approval to this application until the DCIDA receives a completed environmental assessment form concerning the Project.

All projects receiving a benefit greater than \$100,000 are required to have a public hearing inclusive of a 10 day notice before any approval can be granted by the DCIDA.

The DCIDA has established an application fee of \$250.00 to cover the anticipated costs of processing the application. A check or money order made payable to the Dutchess County Industrial Development DCIDA (DCIDA) must accompany each application. The Application WILL NOT be accepted by the DCIDA unless accompanied by the application fee.

When completed, return the application to the Dutchess County IDA, 3 Neptune Road, Poughkeepsie, NY 12601.

The applicant will be required to pay to the DCIDA the actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the DCIDA’s bond issued to finance the project). The Applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the DCIDA. The costs incurred may be considered as part of the bond issue.

***The DCIDA has established an administrative fee for each project it engages. Unless the DCIDA agrees in writing to the contrary, the project fee is required to be paid by the applicant at or prior to the granting of any financial assistance by the DCIDA***



## **II. Application Components and Exhibits**

The sections below are included in the Application. These make up the required information and documents that must be completed and submitted to the DCIDA in order for your Application to be considered. Failure to provide information may impact your project being considered in a timely manner.

Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”)

If an estimate is given as an answer to a question, put “est.” after the figure or answer, which is estimated.

If more space is needed to answer any question, please attach a separate sheet.

### **General Information**

Section 1 – **Applicant Information**

Section 2 – **Project Description and Details**

Section 3 – **Project Evaluation & Assistance Framework**

Section 4 – **Retail Determination**

Section 5 – **Inter-Municipal Move Determination**

Section 6 – **Single or Multi-Tenant Determination**

Section 7 – **Representations, Certifications and Indemnification Forms**

Section 8 – **Local Workforce Certification Form**

Attachment 1 – Environmental Assessment Form (EAF)– An Environmental Assessment must be completed for every project. The Short Environmental Assessment Form is available on the DCIDA Website at <https://thinkdutchess.com/ida/application/>. However, in some instances a Long Form EAF may need to be completed.

Attachment 2 - DCIDA Standard Fee Schedule and other Fees

Attachment 3 – Additional Community Benefit Metrics Definition



### **III. Insurance**

Once a project is approved by the DCIDA, insurance will be required. Details of the required insurance will be provided in the DCIDA contracts, in the meantime please note that insurance is to be provided after Board approval but prior to utilization of your IDA benefits. Insurance shall be maintained during the term of any applicable Agent Agreement or Lease Agreement by and between the DCIDA and Project Applicant. Proof of Insurance will be required and requested on an annual basis.

### **IV. Local Workforce Policy**

Construction jobs though limited in time duration, are vital to the overall employment opportunities in Dutchess County.

For projects \$10,000,000 and above, the DCIDA believes that Project Applicants, as a condition to receiving a real property tax abatement also referred to as a Payment in Lieu of Taxes (PILOT) from the Agency, will be required to utilize qualified Workforce for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

The Local Area is defined as individuals residing in the following County /Cities /Towns /Villages as well as the following Counties (collectively, the "Local Area"): Columbia County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County. Companies receiving a PILOT as part of their financial assistance shall ensure that at least 80% of total work hours of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the "Workers") working on the Project Site must reside within the Local Area. The 80% shall be measured by hours in total at the time of completion of the project. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Area to qualify under the 80% local Workforce criteria.

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the DCIDA to request a waiver of the Local Utilization Requirement (the "Local Workforce Utilization Waiver Request") waivers may be granted in the following situations (a) Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers (b) Specialized construction for which qualified Local Workforce Area workers are not available (c) Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations (d) Documented lack of workers meeting the Local Workforce Area





requirement. The DCIDA shall evaluate the Local Workforce Utilization Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

## **V. Recapture of Financial Assistance**

In order to better ensure the integrity of the projects that receive Financial Assistance from the DCIDA, has determined that is in the public interest: (a) to ensure the continuity of such project and the jobs created by such projects; (b) ensure the use of local workforce during project construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (c) to ensure that the investment amount as proposed by the Applicant and approved by the DCIDA is made (d) to ensure that the state and local taxes and use tax exemption benefits are utilized in the amount as so authorized by the DCIDA (e) to ensure the state and local sales and use tax exemptions benefits are only utilized by the company/applicant and its duly appointed agents; (f) to ensure that the state and local sales and use tax are only utilized on the specific project as described in the Application and (g) to ensure that the Company complies with the certain material terms and conditions as determined by the DCIDA. At such time as the Applicant fails to meet the terms of the Agreement including failing to retain and create jobs as represented in the Application a recapture of any or all state and local sales and use tax exemption benefits, mortgage recording tax exemption benefits and real property abatement benefits may be required to be paid by the Applicant.

Details on the DCIDA Policy can be found on the DCIDA Website (<https://thinkdutchess.com/ida/dcida-public-documents-and-policies/>)

- Maintaining Performance Based incentives for projects granted assistance including a PILOT
- Projects granted assistance without a PILOT

## **VI. Submission and Acceptance of the Application for Financial Assistance**

Please note that the DCIDA is under no obligation to act favorably on this application, and the project applicant agrees to release the DCIDA, its members, its staff, its successors and assigns from any claim against the DCIDA that may arise from the DCIDA's processing the application or by the DCIDA's either granting or denying the application.

Please note that Article 6 of the Public Officers Law declares that all records in the possession of the DCIDA (with certain limited exceptions) are open to public inspection and copying. Also, as of December 2018, the IDA will post project applications on the Agency's



website. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of Public Officers Law.



**General Information**

**I. Project Identification**

Company Name	Fox Run at Fulton LLC	FEIN	Name and Title of Contact Person
	Poughkeepsie Journal Square	47-4475975	Kelly Libolt, Project Manager
Address	City/State	County	Zip
	PO Box 792	Poughkeepsie, NY	Dutchess
			12602
Telephone Number	Website	Email	
	845.471.0191	pageparkassociates.com	kelly @pageparkassocaitc.com
Full Address of the site/location of the proposed project, including County and Zip Code			
10 Campus View Court (aka 60 Fulton) Poughkeepsie NY 12603			


**II Project Request**

Please check which type of assistance you are applying for (select all that apply):

- Bond Issuance (Tax Exempt / Taxable)
- Straight Lease
- Payment in Lieu of Taxes
- Sales Tax Exemptions
- Mortgage Tax Exemption

**III. Authorizing Signature**

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the DCIDA will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the DCIDA’s involvement in the Project.

Signature 

Print Name Jason Page

Title NA

Date NA

Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

**Section I: Applicant Information**

**Applicant Background (company receiving benefit)**

**A. Company Contact (if different from individual completing application)**

Name: Jason Page  
 Title: NA  
 Address: PO Box 792 Poughkeepsie NY 12602  
 Phone: 845.471.0191 Fax: 845.471.0169  
 Email: jason@pageparkassociates.com

**B. Company Counsel:**

Name of Attorney: Gerald Comatos, Esq.  
 Firm Name: VandeWater & VandeWater  
 Address 85 Civic Center Plaza Suite 101  
 Phone: 845.452.5900 Fax:  
 Email: gcomatos@vandewaterlaw.com

**C. Form of Business Organization:**

- |                                                            |                                                     |
|------------------------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> For-profit corporation | <input type="checkbox"/> Not-for-profit corporation |
| <input type="checkbox"/> General partnership               | <input type="checkbox"/> Limited partnership        |
| <input type="checkbox"/> Limited liability company         | <input type="checkbox"/> Sole proprietorship        |

If you are a corporation or limited liability company, please provide date and state of incorporation:  
 2015 New York

If a foreign corporation or foreign limited liability company, please provide date authorized to do business in New York:

*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

**D. Please list Principal Owners/Officers/Directors:**

(Principal owners that hold more than 15% equity ownership)

Jason Page, Darin Page, Brian Page

If Applicant has a significant relationship with an affiliate company(ies), please list the name and address of such affiliate(s):

NA

**E. Holding Company**

Will a Real Estate Holding Company be utilized to own the Project property/facility?

Yes  No

What is the name of the Real Estate Holding Company: Fox Run at Fulton LLC

Federal Employer ID Number: 47-4475975

State and Year of Incorporation/Organization: New York, 2015

List of stockholders, members, or partners of Applicant:

Jason Page, Darin Page, Brian Page

**F. Applicant Business Description:**

Brief description of company, operations, products and services. Description is critical in determining eligibility. Attach additional pages if needed:

Privately held real estate company owning and managing its diverse portfolio. Currently owns and manage over one million square feet of space, leased to a variety of government, not-for-profit agencies, retail, market-rate housing, self-storage, medical facilities and private entities

**G. Brief Description of Company History** (formation, growth, transitions, location):

Formed in 2008, family owned and operated company located in Poughkeepsie NY

*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

Estimated % of sales within County	<input style="width: 50px; height: 20px;" type="text" value="80"/>
Estimated % of sales outside County but within New York State	<input style="width: 50px; height: 20px;" type="text" value="20"/>
Estimated % of sales outside NYS but within U.S.	<input style="width: 50px; height: 20px;" type="text"/>
Estimated % of sales outside the US	<input style="width: 50px; height: 20px;" type="text"/>
Total Sales	100%

**H. Is or was the Company assisted by DCIDA?**

Yes  No

**I. Has the company received any state or federal subsidies or program assistance in the last 10 years?**

Yes  No

If yes, please list subsidies, program assistance or grants

**J. Have you contacted or been contacted by other Economic Development Agencies for this project?** If yes, please identify which agencies and what other assistance or assistance sought and the dollar amount that is anticipated to receive.

Yes  No

If yes, please list:

**K. If the company is a party to any significant pending or recently concluded litigation (including bankruptcy), please describe:**

NO

**L. Is Company in compliance with local, state and federal taxes, workers' protection, and environmental laws?**

Yes

**M. Please attach a copy of most recent company annual audit.**

See Attached

**N. Please attach sales and income projections or a project pro forma for next 3 to 5 years.**

*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

## Section II: Project Description & Details

### A. Industry

Please check off the Project's Industry Sector:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Natural Resources / Mining</li> <li><input checked="" type="checkbox"/> Construction</li> <li><input type="checkbox"/> Utilities</li> <li><input type="checkbox"/> Manufacturing</li> <li><input type="checkbox"/> Wholesale / Retail</li> <li><input type="checkbox"/> Transportation /Warehousing</li> <li><input type="checkbox"/> Other (Please write):</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Information Technology</li> <li><input type="checkbox"/> Financial Services</li> <li><input type="checkbox"/> Professional / Business Services</li> <li><input type="checkbox"/> Education or Healthcare Services</li> <li><input type="checkbox"/> Leisure and Hospitality</li> <li><input type="checkbox"/> Government</li> </ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

North American Industrial Classifications Number (NAICS):

### B. Project Location

Project Address: 10 Campus View Court (AKA 60 Fulton Street) Poughkeepsie

Section Block Lot (SBL) Number for Property which proposed Project will be located: 6162-05-161788

Property Tax Jurisdiction

Municipal: Poughkeepsie (Town)  
 School District: Hyde Park

Project Property Value:

Current Assessed Value: 21,870,000  
 Current Property Taxes:

Are the Real Property Taxes current?      ✓ Yes                      No  
 If no, please explain:

Utilities: Indicate which, if any, utilities are on site

- |         |                        |
|---------|------------------------|
| ✓ Water | ✓ Electric             |
| ✓ Gas   | ✓ Sanitary/Storm Water |







*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

If the Project could be undertaken without Financial Assistance provided by the DCIDA, then provide a statement below indicating why the Project should be undertaken by the DCIDA.

To the extent the project serves a local market area, is there a recognized and demonstrable need for the products or services the project will provide in the project's market area?

The project will provide much needed market rate housing with office amenities within the building

Is the project compatible with and will significantly assist and enhance all development plans for its area established formally or informally by local, county, state and federal authorities?

Yes

Will the project be incorporating new energy efficiency factors in the design and operation of project? If yes, please elaborate. If no, please explain why it will not.

Yes energy efficient appliances

Is the project of a speculative nature?

No

Is this part of a Multi-Phase Project? Yes  No

Will the Project include leasing any equipment? Yes  No

**C. Zoning of Project Site:**

Current    PROD  
Proposed    PROD

Are any variances needed? If so, please list:

Yes received area variance for additional floor for the structure (use of lower level for habitable space)



Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

If a change in zoning/land use is required, please provide the details/status of any request for change in zoning/land use requirements.

NA

The approximate acreage of the land to be purchased or leased: owned = 15 +/- acres

The approximate square footage of the existing building to be purchased or space to be expanded/renovated is: 93,000

The approximate square footage of the planned new construction is: 93,000

Please note that the DCIDA cannot provide any financial assistance until the environmental review required under the State Environmental Quality Review Act ("SEQRA") has been completed. Please complete the annexed Short Form Environmental Assessment Form. Based upon the information provided in that form and elsewhere in this application, the DCIDA may require further information regarding potential environmental impacts.

If this project is likely to have a significant adverse impact on the environment (a "Type I" action), then the action is probably required to be reviewed by one or more other state or local agencies, such as a local zoning or land use authority. In that event, the DCIDA generally will not act as "lead DCIDA," and any action by the DCIDA must await completion of the SEQRA review by the other DCIDA. If that is not the case, i.e., if the proposed action is a "Type II" or "unlisted" action under SEQRA, the DCIDA may act independently for SEQRA purposes.

Any known environmental contamination or remediation issues?  Yes  No  
If yes, please list:

See attached. Site has been remediated and is pending closure from NYSDEC

Has another entity been designated lead agent under the State Environmental Quality Review Act?  Yes  No

If yes, please explain

Poughkeepsie Planning has previously completed a SEQRA Review /issued a SEQRA Neg Dec (attached)



*The DCIDA will not provide any financial assistance to the Project until the environmental findings required under SEQRA have been made.*

Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

## D. Investment (Uses and Sources)

Uses (Facility Costs) Please give an accurate estimate of the costs of all of the following items. Applicants are encouraged to discuss the project with DCIDA in order to estimate costs.

<b>1. Real Estate</b> (Acquisition cost of land and /or existing structures)	\$ NA
<b>2. New Building Construction</b>	\$ 14,800,000
<b>3. New Building Addition</b>	\$ NA
<b>4. Infrastructure Work</b>	\$ NA
<b>5. Reconstruction/Renovation</b>	\$ NA
<b>6. Equipment (Taxable)</b> (Spending that will be subject to sales tax – i.e. machinery and equipment)	\$ NA
<b>7. Other Tax Exempt</b> (non-construction spending that will not be subject to sales tax)	\$ NA
<b>8. Professional Services</b> (Architect, Legal Fees <sup>1</sup> , Engineering fees)	\$ 804,500
<b>9. Other Taxable</b>	\$ 1,285,000
<b>10. Other</b> (please specify) (Recreation Fees & water/Bldg Permit Fee)	\$ 110,250
<b>Total Project Cost</b>	<b>\$ 16,999,750</b>

### Uses (Financing, Legal, Miscellaneous)

	Estimated Fees
IDA Administrative Fees (See page 1)	\$ 250
IDA Counsel	\$ 5,000
Applicant Counsel	\$ 5,000
Transaction Counsel	\$
Bond Counsel	\$
Underwriter Counsel	\$
Trustee Counsel	\$
Other Costs of Bond Issue (i.e. printing)	\$
If this is a bond transaction, will you be refunding bonds?	Yes <input checked="" type="checkbox"/> No
And if so state amount here	\$ 10,250

DCIDA costs such as public hearings and legal notice fees are the responsibility of the Applicant from the time an application is submitted.

Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

**F. Sources**

Amount of equity	\$ 5,000,000
Amount of other conventional financing	\$ 15,000,000
Amount financed by bond issue	\$ NA
Public Sources	
(Include sum total of all state and federal grants and tax credits)*	\$ NA
<b>Total Sources of Funds for Project Cost</b>	<b>\$ 15,000,000</b>

\*Identify each state and federal grant/credit

\$ NA  
\$ NA  
\$ NA

**F. Project Construction Schedule**

What is the proposed date for commencement of acquisition or construction of the Project?

March 15, 2021

Please indicate the actual or expected dates of:

Construction completion: April 30, 2022

Occupancy: April 30, 2022

Will the company be occupying 100% of the completed facility?	Yes	✓ No
If no, will there be tenants in the remaining space?	✓ Yes	No

• Detailed questions will be asked in Section 5 – Single or Multi-Tenant Determination

Describe any contracts or agreements (options to purchase, purchase contracts, construction contracts, and equipment orders) which have been entered into with respect to the facility. Please note that the DCIDA may not provide benefits to any purchases made prior to the execution of a Letter of Authorization for Sales Tax Exemption.



Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

### Section 3: Project Evaluation and Assistance Framework

All projects must meet the Baseline Requirements to be considered for DCIDA benefits

#### A. Baseline Requirements (Must Achieve All)

- ✓ Complete Application
- ✓ Meets NYS/DCIDA Requirements
- ✓ SEQRA / Planning Approval
- Approval Date: December 2020
- ✓ Meets Project Use Definition "But For" Requirement
- ✓ Will Directly Retain or Create Jobs

#### B. Additional Community Benefits

Projects that meet the baseline eligibility requirements and achieves a threshold of at least six (6) community benefit metrics may be considered for a deviation or an enhanced Payment in Lieu of Taxes (PILOT) formula. Detailed definitions of the Community Benefit are included in Attachment 3. Proof of providing additional community benefits may require third party verification. Any projects pledging additional Community Benefits and receiving an enhanced PILOT that fail to meet the requirements may be subject to assistance termination, modification or recapture.

<i>Revitalization</i>	<i>Investment</i>	<i>Employment</i>
<b>Target Geography</b>	<b>Financial Commitment</b>	<b>Permanent Jobs</b>
Distressed Census Tract/Area	3 – 10 million	3-40
High Vacancy Census Tract	10.1 – 17.5 million	41-80
Transit Oriented Development	17.6 – 25 million	81-120
BID	>25 million	121-180
Neighborhood Plan		>180
<b>Identified Priority</b>	<b>Community Commitment</b>	<b>Retained Jobs</b>
Tax Exempt	MWBE/DBE Participation	3-40
Vacant	Veteran Participation	41-80
Adaptive Re-use	Workforce /Affordable Housing	81-120
Community Catalyst	Local Workforce	121-180
	Apprenticeship Program	> 180
	Public Infrastructure	
<b>Identified Growth Area</b>	<b>Environmental Factors</b>	<b>Construction Jobs</b>
Manufacturing / Distribution	Resource Conservation	6-80
Technology	Energy Efficiency	81-160
Existing Cluster	Green Technology	161-240
	Alternative / Renewable Energy	>240

Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

### C. Project Benefits

#### Financial Assistance Provided

1. Estimated Sales Tax Exemption^

\$ 11,935,000	X	.08125	=	\$ 969,718.75
Amount of Project Cost Subject to Tax		Sales Tax Rate		Total

2. Estimated Mortgage Recording Tax Exemption

\$ 15,500,00	X	.0075	=	\$ 116,250
Projected Amount of Mortgage		Mortgage Recording Tax		Total

\*As of September 2016, DC IDA cannot exempt the MTA portion of the mortgage recording tax

3. Estimated Property Tax Abatement

Project Property Value: NOT APPLYING FOR TAX ABATEMENT

Current Assessed Value: 21,870,000

Current Property Taxes

Estimated Property Value after project completion

Will the Project utilize the DCIDA's Uniform Tax Exemption Formula?

Yes                  No

If no, describe the real property tax exemption formula (attach additional sheets if necessary)

NA

Estimated tax abatement resulting from this project:                  \$ NA  
 (Consult with DCIDA for assistance with this calculation)

*^Note that the DCIDA may utilize the estimate above as well as the proposed total Project Cost as contained within this application to determine the Financial Assistance that will be offered.*

Please answer all questions. Use “None” or “Not Applicable” or “N/A” where necessary

## D. Employment

A. Benefits = Economic Development Impacts (For Project Location Only)

*By statute, the DCIDA must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. The DCIDA will use job projections upon the two (2) year time period following Project completion.*

*a. Employment should be quantified by “FTE”, which shall mean: (a) a full-time, permanent, private-sector employee on the project’s payroll, who has worked (or is projected to work) at the project facility for a minimum of thirty-five hours per week for not less than four consecutive weeks and who is (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties;*

*b. or (b) two part-time, permanent, private-sector employees on the Applicant’s payroll, who have worked (or are projected to work) at the project facility for a combined minimum of thirty-five hours per week for not less than four consecutive weeks and who are (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties*

*Employment at Project Location only*

Job Category	Current # of FTE’s	Number of FTE’s Retained	Average Salary or Range of Salary	Number of FTE’s to be created upon 2 years	Average Salary or Range of Salary
Owner/Executive					
Professional					
Management					
Administrative				1	\$50,000
Production					
Other				1	\$45,000
Total					

Are employees currently covered by a collective bargaining agreement?

Yes                  No

If yes, Name and Local?

Are employees provided retirement benefits?

Yes                  No

Are employees provided health benefits?

Yes                   No

Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

Estimate the projected monthly time frame for the creation of new permanent jobs.

Year 1	1	2	3	4	5	6	7	8	9	10	11	12
	2											
Year 2	1	2	3	4	5	6	7	8	9	10	11	12

### Use of Local Workforce

The Dutchess County IDA supports the use of local workforce for projects receiving benefits from the DCIDA. Answers to the following questions will assist the DCIDA in evaluating the application.

The Local Workforce Area for permanent jobs includes residents in the County/Cities/Towns/Villages as well as the following Counties: Dutchess County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

If a "local workforce plan" has been developed please include that plan as an addendum to this application.

Estimate the number of residents of the labor workforce area in which the Project is located that will fill the projected new jobs to be created.

NA

How will the project developer seek out and use the local workforce.

NA

*Projects \$10,000,000 and above, which are receiving a real property tax abatement, are subject to +DCIDA's Local Workforce Policy during the period of construction*

The *Labor Workforce Area* for construction jobs under the Local Workforce Policy includes residents in the County/Cities/Towns/Villages as well as the following Counties: Columbia County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

How many construction jobs are anticipated to be created? 100-150 FTE





Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

## Section 4: Retail Determination

DCIDA assistance to retail projects (including hotels and restaurants) is subject to certain statutory restrictions.

To ensure compliance with Section 862 of the New York General Municipal Law, the DCIDA requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

**1.** Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below please complete this section.

Retail Sales	Yes	No <input checked="" type="checkbox"/>	Services	Yes	No <input checked="" type="checkbox"/>
--------------	-----	----------------------------------------	----------	-----	----------------------------------------

For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sales of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law or (ii) sales of a service to customers who personally visit the Project.

**2.** Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in makes sales of good or services to customers who personally visit the project site?

Yes                      No

If yes, please continue. If no, proceed to the next section

**3.** What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 0 % If the answer is less than 33% than proceed to the next section.

If the answer to question 2 is Yes and the answer to question 3 is greater than 33% indicate which of the following questions following apply to the project:

Is the project location or facility likely to attract a significant number of visitors from outside Dutchess County?

Yes                      No

If yes, please provide a third party market analysis or other documentation supporting your response.

*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

Is the predominant purpose of the project to make available goods and services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes                      No ✓

If yes, please provide a third party market analysis or other documentation supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in New York State?

Yes ✓                      No

If yes, please explain

The job will create two new positions in addition to the existing staff

Is the project located in a Highly Distressed Area?                      Yes                      No ✓

*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

## Section 5: Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the Applicant from one area of the State of New York to another area of the State of New York:

Yes            No

Will the project result in the removal of a plant or facility of another proposed occupant of the Project from one area of the State of New York to another area of the State of New York?

Yes            No

Will the Project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes            No

If the answer to either of the foregoing questions in this subpart is positive, please explain in detail, on as many separate sheets as necessary, the reasons for the relocation, abandonment or closure, including, without limitation, (i) any considerations regarding the applicant's (or other occupant's) ability to remain competitive in its industry, and (ii) any consideration which has been given to relocating to any location outside the State of New York.

Please note that the DCIDA may ask you to provide additional information regarding the foregoing, including documentary support

*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

## Section 6 – Single or Multi-Tenant Determination

Permissible projects are defined in the NYS General Municipal Law and the IDA may not be able to grant financial assistance to all tenants of a multi-tenant project. To assist in that determination please complete the following section.

Please note if the tenant qualifies as a permissible project, the Project Applicant will be responsible for collecting the required reporting information from the tenant(s).

Please explain what market conditions support the construction of this multi-tenant facility:

Market Rate Housing

Have any tenant leases been entered into for this project?

Yes

No

If yes, please list below and provide square footage to be leased to tenant and NAICS code for tenant and nature of business. (Attach additional sheets if necessary)

Tenant Name	Current Location (city, state, zip)	# of sq. ft. lease	% of total to be to occupied at by project location	NAICS and business description (type of business, products, etc)



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

## Section 7: Representations, Certifications and Indemnification Forms

### New York State Applicant Requirements For Industrial Development Agencies

The Applicant has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the DCIDA and as follows:

#### **1. Absence of Conflicts of Interest**

The Applicant has received from the DCIDA a list of the members, officers and employees of the DCIDA. No member, officers or employees of the DCIDA has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

NONE

#### **2. Job Listing**

In accordance with Section 858-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed within the New York State Department of Labor, Division of Employment and Workforce Solutions (the DOL) and with the American Job Center of the service delivery area created by the federal Workforce Innovation and Opportunity Act (WIOA) in which the Project is located.

#### **3. First Consideration for Employment**

In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, except as otherwise provided by collective bargaining agreements, Where applicable, the Applicant will first consider persons eligible to participate in WIOA programs who shall be referred by the American Job Center for new employment opportunities created as a result of the Project.



Please answer all questions. Use “None” or “Not Applicable” or “N/A” where necessary

#### **4. Annual Employment Reports**

The Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, the Applicant agrees to file, or cause to be filed, with the DCIDA, on an annual basis, reports regarding the number of people employed at the project site, salary levels and such other information as part of the DCIDA’s Employment Report.

#### **5. Fees**

This obligation includes an obligation to submit DCIDA Fee Payment to the DCIDA in accordance with the DCIDA Fee policy effective as of the date of this Application.

#### **6. Freedom of Information Law (FOIL)**

The Applicant acknowledges that the DCIDA is subject to New York State’s Freedom of Information Law (FOIL). Applicants understand that all project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.

#### **7. Recapture Policy**

The applicant acknowledges that is has been provided with a copy of the DCIDA’s *Policy on Maintaining Performance Based Incentives*. The Applicant agrees that it fully understands the Policy on Maintaining Performance Based Incentives is applicable to the Project that is the subject of this application and the DCIDA may implement the Policy if and when it is required to do so.

#### **Financial Reporting Requirements**

Chapter 692 of the Laws of 1989 requires additional financial reporting requirements from all IDA’s in New York State.

#### **8. Sales Tax**

Section 874(8) of the New York general Municipal Law requires all entities appointed as agents of the DCIDA for sales tax purposes to file an annual form, as prescribed by the New York State Department of Taxation, describing the value of sales tax exemptions claimed by the Applicant and all its subagents, consultants, or subcontractors. Copies of all filings shall be provided to the DCIDA.

The Applicant hereby agrees to complete “ST-60, IDA Appointment of Project Operator or Agent for Sales Tax Purposes” for itself and each agent, subagent, contractor, subcontractor, contractors or subcontractors of such agents and subagents and to such other parties as the Applicant chooses who provide materials, equipment, supplies or services and deliver said form to the DCIDA within fifteen (15) days of appointment such that the DCIDA can execute and deliver said form to the State Department of Taxation and Finance within thirty (30) days of appointment.

*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

**9.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§862 Restrictions on funds of the DCIDA. (1) No funds of the DCIDA shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the DCIDA shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

**10.** The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

**11.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18A of the New York General Municipal Law, including, but not limited to, the provisions of Section 859a and Section 862(1) of the New York General Municipal Law.

## **12. Bonds**

### **a. All bonds issued, outstanding or retired during the year must indicate the following:**

Month and year issued; Interest rate at year end; outstanding beginning of year; issued during year; principal payments during year; outstanding at end of year; and final maturity date. This information will be requested from you in January of each year.

### **b. All new bonds issued need the following supplemental information:**

Name of the project; tax exemptions separated by State and local sales tax, County and school taxes; Mortgages recording; Payments in lieu of taxes; New tax revenue if no exemption is granted; number of jobs created and other economic benefits. This information is required each year and will be requested from you in September of each year.

Signature:



Print Name: Jason Page

Title: NA

Date: NA



Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

## HOLD HARMLESS AGREEMENT

Applicant hereby releases the Dutchess County Industrial Development DCIDA and its members, officers, servants, agents and employees thereof (the "DCIDA") from, agrees that the DCIDA shall not be liable for and agrees to indemnify, defend and hold the DCIDA harmless from and against any and all liability arising from or expense incurred by (A) the DCIDA's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the DCIDA, (B) the DCIDA's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the DCIDA with respect to the Project; including and without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the DCIDA or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the DCIDA, its agents or assigns, all costs incurred by the DCIDA in the processing of the Application, including attorneys' fees, if any. The DCIDA reserves the right at any time, as a condition to further consideration of this application, to require reimbursement of any such costs incurred, or to require a deposit against such costs and to apply such deposit to the DCIDA's costs as incurred.

Signature

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

Print Name Jason Page

Title Managing Member

Date 02.17.2021





Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

## 2) Bond Information

To Be Completed for Bond Financing Only

1. State Bond Issuance Fees: N.Y. Public Authorities Law §2976(2) levies upon the DCIDA the following (which amount must be paid to the DCIDA by the applicant):

Principal Amount of Bonds	Percentage Fees
\$1,000,000 or less	.168
\$1,000,000 to \$ 5,000,000	.336
\$5,000,001 to \$ 10,000,000	.504
\$10,000,001 to 20,000,000	.672
More than \$20,000,000	.084

2. Total Funds Required NA Estimated Term NA
3. Indicate the date by which the proceeds of the DCIDA's bonds, if issued will be needed  
Date Required NA



### 3) Certification

To Be Completed for Bond Financing Only

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deposes and says that he/she is the

(Name of Officer of Company submitting application)

(Title)

of NA

(Company Name)

The corporation named in the attached application; that he/she has read the forgoing application and knows the contents thereof; that the same is true to his/her knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by \_\_\_\_\_ is because the said Company is a Corporation.

(Company Name)

The grounds of deponent's belief relative to all matters in the said application which are not stated upon his/her own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his/her duties as an officer of and from the books and papers of said corporation.

As an officer of said corporation (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Dutchess County Industrial Development DCIDA (hereinafter referred to as the "DCIDA") acting on behalf of the applicant during the attendant negotiations and leading to the issue of bonds. If, for any reason whatsoever, the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified time to take reasonable, proper, or request action, or withdraws, abandons, cancels, or neglects the application, or if the DCIDA or applicant are unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, applicant shall pay to the DCIDA, its' agents, or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees of bond counsel for the DCIDA and fees of general counsel for the DCIDA.\* Upon successful conclusion and sale of the required bond issue, the applicant shall pay to the DCIDA an administrative fee set by the DCIDA.

(Chief Officer of Company submitting)

Print Name

Title NA

Date NA

NOTARY: Sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\*Applicant is responsible for payment of any State Bond Issuance Fees.

Notary Public (Please Affix Stamp)



## Section 8 - Local Workforce Utilization Policy and Certification

Construction jobs, though limited in time duration, are vital to the overall employment opportunities in Dutchess County. The Dutchess County Industrial Development Agency (the “Agency”) has determined that Project Applicants (the “Company”), as a condition to receiving a real property tax abatement also referred to a Payment in Lieu of Taxes (PILOT) from the Agency, will be required to utilize qualified Workforce, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the “Project Site”).

### ***For Projects \$10,000,000 and Above Receiving a Real Property Tax Abatement***

#### Local Area Defined

For projects equal to or greater than \$10,000,000 the Local Area is defined as individuals residing in the following Counties (collectively, the “Local Area”): Columbia County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

#### Local Workforce Requirement

Companies receiving a PILOT as part of their financial assistance shall ensure that at least 80% of total work hours of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the “Workers”) working on the Project Site must reside within the Local Area. The 80% shall be measured by hours in total at the time of completion of the project. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Area to qualify under the 80% local Workforce criteria.

#### Local Workforce Reporting Requirement

The Local Workforce criteria will be verified based on employment, payroll and related records.

In addition, the Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy records of the Company and to perform spot checks of all Workers at the Project Site to verify compliance with the Local Workforce requirement throughout the construction period.

#### Enforcement

If Agency staff determines that: (1) The Local Workforce Requirement is not being met; or (2) Agency Staff, upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Workforce Requirement, then a written warning delivered by Certified Mail of said Local Workforce Requirement violation (the “Warning of Violation”) shall be provided to the Company.

In the event a subsequent violation of the policy has occurred, then written notice delivered by Certified Mail of said Local Workforce Requirement violation (the “Notice of Violation”) shall be provided to the Company and the Executive Director shall bring the information to the Board of Directors which may, in its discretion, take action to revoke IDA benefits.



The Company has the primary obligation for the adherence to all the conditions of this policy. This obligation cannot be relieved, evaded or diminished by assigning a Contractor or through subcontracting. Should the project applicant assign a Contractor, the Company shall continue to have primary obligation.

Projects with multiple phases or projects with multiple owner entities will be considered in whole during the enforcement period.

Waiver Request

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Utilization Requirement (the “Local Workforce Utilization Waiver Request”) based on the following circumstances:

- Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers
- Specialized construction for which qualified Local Workforce Area workers are not available;
- Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations
- Documented lack of workers meeting the Local Workforce Area requirement

The Agency shall evaluate the Local Workforce Utilization Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realizes and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

Name of Company NA  
Name: NA  
Title NA



## ***Attachment 1 - Short Environmental Assessment Form***

Please complete a Short Form Environmental Assessment Form (<https://www.dec.ny.gov/permits/6191.html>). Based upon the information provided in that form and elsewhere in this application, the DCIDA may require further information regarding potential environmental impacts.

If this project is likely to have a significant adverse impact on the environment (a “Type I” action), then the action is probably required to be reviewed by one or more other state or local agencies, such as a local zoning or land use authority. In that event, the DCIDA generally will not act as “lead DCIDA,” and any action by the DCIDA must await completion of the SEQRA review by the other DCIDA. If that is not the case, i.e., if the proposed action is a “Type II” or “unlisted” action under SEQRA, the DCIDA may act independently for SEQRA purposes.



## ***Attachment 2 – Agency Standard Fee Schedule and other fees***

### **DCIDA Standard Fees**

Application Fee: \$250 (non-refundable)

Administrative Fee: One percent (1%) of the first \$2.5 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$2.5 million.

Annual Compliance Fee: \$500

The project applicant additionally will be required to pay DCIDA Counsel fees, Bond Counsel fees and other direct expenses of the DC IDA, including, but not limited to, compliance, accounting and engineering expenses. The project applicant agrees that such legal fees and other direct expenses of the DC IDA such as publication costs and stenographer's fees are payable separately from the application and processing fees.

The above fees will be payable in full on the sale of the bonds. Failure and neglect to proceed to close will result in pro rata tender of billings.



## **Attachment 3 – Additional Community Benefit Definitions**

### **Target Geography**

#### *Distressed Census Tract/ Area*

Proposed project is located in a distressed census tract or area as defined by New York State. Project owner/applicant will be responsible for showing verification.

#### *High Vacancy Census Tract*

Proposed Project is located in a census tract with a vacancy rate of at least fifteen percent (15%), rounded to the nearest percentage point, according to the most recent census data. Project owner/applicant will be responsible for showing verification.

#### *Transit Oriented Development*

Proposed Project is located in the municipality's Transit Oriented Development Zone and is consistent with the municipality's development strategy. Project owner/applicant will be responsible for showing verification.

#### *BID*

Proposed project is located within the boundaries of the municipality's Business Improvement District. Project owner/applicant will be responsible for showing verification.

#### *Neighborhood Plan*

Proposed Project is in response to a municipal's RFP/RFI for a Neighborhood / Community Development Plan. Project owner/applicant will be responsible for showing verification.

### **Identified Priority**

#### *Tax Exempt / Vacant*

Proposed project is located on a parcel designated tax exempt prior to the time of purchase by the project owner/ applicant/ and/or an unoccupied parcel(s) of land or building that is at least ninety (90%) vacant. Cases in which a property is vacated for the purpose of pursuing the proposed project may not be considered vacant.

#### *Adaptive Re-use*

Project that result in the rehabilitation/renovation of a distressed building or parcel.

#### *Community Catalyst*

Proposed project contributes to an existing policy or initiative for improving conditions and catalyzing change in the community.

### **Identified Growth Area**

#### *Manufacturing / Distribution*

Proposed project must result in the creation, retention or expansion of manufacturing or distribution facilities as well as the creation and/or retention of permanent jobs.



### *Technology*

Proposed project must result in the creation, retention or expansion of tech sector facilities as well as the creation and/or retention of permanent jobs

### *Existing Cluster*

Proposed project must result in the creation, retention or expansion of facilities as well as the creation and/or retention of permanent jobs in an existing County cluster, including technology, healthcare, education and hospitality.

### **Investment**

Proposed project invest is the amount in dollars (\$) that will be spent in order to complete the project and includes but is not limited to: acquisition costs, construction hard costs, soft costs, and contingency costs required to complete the project.

### **Community Commitment**

#### *Minority and Woman-Owned Business Enterprise/Disadvantaged Business Enterprise Participation*

Proposed project commits that at least twenty percent (20%) of the value of awarded construction of the proposed project is performed by minority or woman – owned operators. Project owner/applicant will be responsible for providing independent third-party verification upon project completion. MWBE/DBE participation goals indicate the percentage (in dollars) of a contract that must be performed by a NYS-certified woman– or minority-owned business enterprise or Federally-certified disadvantaged business enterprise. The goals may be met through an MWBE/DBE prime contractor’s self-performance, a joint venture between an MWBE/DBE and non-MWBE/DBE firm, or through the use of MWBE/DBE subcontractors.

#### *Veteran Utilization*

Proposed project commits that at least ten percent (10%) of the workforce employed during construction of the proposed project are veterans. Project owner/applicant will be responsible for providing independent third party verification upon project construction completion.

#### *Workforce / Affordable Housing*

Proposed project commits to at least ten percent (10%) of total residential rental units are to be reserved for and/or rented to low-income households as defined by the most recently available U.S. Housing and Urban Development State Income Limits for the term of the Agency financial assistance. Project owner/applicant will be responsible for providing independent third party verification on an annual basis.

#### *Local Workforce*

Proposed project commits to at least eighty percent (80%) of construction jobs will be filled by local residents as defined in by the DCIDA Local Workforce Policy. Project owner/applicant will be responsible for providing verification until project construction completion.

#### *Licensed Apprenticeship Program*

Proposed project commits to at least fifty percent (50%) of the contractors or subcontractors maintain a New York State certified apprenticeship program. Project owner/applicant will be responsible for providing independent third party verification upon project construction completion.





### *Public Infrastructure*

Proposed project will entail the private construction and installation of infrastructure for public benefit. Project owner/applicant will be responsible for providing independent third party verification upon project completion.

## **Employment**

### *Permanent Created (New) Job*

A created (new) permanent job is a new a position created over and above the business' current baseline. Construction jobs are not considered to be permanent new jobs. Project owner/applicant will be responsible for reporting on an annual basis.

### *Permanent Retained Job*

A permanent retained job is a position that, but for the project investment, would be removed, relocated, or eliminated. Construction jobs are not considered to be permanent retained jobs. Project owner/applicant will be responsible for reporting on an annual basis.

### *Construction Jobs*

A construction job is a position created during the construction phase and for the purpose of completing the project. Project owner/applicant will be responsible for reporting on an annual basis until construction project completion.

# *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:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
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.			<b>NO</b>	<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>	<b>YES</b>
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
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: _____ _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
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	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?  If Yes, explain purpose and size: _____  _____  _____</p>	<b>NO</b>	<b>YES</b>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?  If Yes, describe: _____  _____  _____</p>	<b>NO</b>	<b>YES</b>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  If Yes, describe: _____  _____  _____</p>	<b>NO</b>	<b>YES</b>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: <u>          <i>KUBON</i>          </u></p>		

Project:

Date:

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN OF POUGHKEEPSIE PLANNING BOARD**, as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** **Fox Run at Fulton Second Amended Site Plan (a/k/a Fairview Commons)**

**SEQR Status:** Type 1   
Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

The Project received initial site plan approval from the Planning Board on January 15, 2015 for the development of 151 residential units in three apartment buildings (inclusive of community/office space). The Town Board granted Planned Residential Overlay District (PROD) designation for the project on October 1, 2014.

The applicant received amended site plan approval from the Planning Board on April 16, 2020, permitting the addition of three adjacent parcels to the Project site; increasing the size of Building A from 34,000 to  $\pm$ 70,400 GSF; permitting an increase in the number of total dwelling units on the site from 151 to 204, a net increase of 53 units; reallocating unit counts in the buildings; and increase site parking from 447 spaces to 562 spaces, resulting in a net increase of 115 parking spaces. That action required the rezoning and the Planned Residential Overlay District (PROD) designation of the three additional parcels by the Town Board on February 19, 2020. The additional parcels were then merged with the existing Fox Run parcel to create a single lot of 15.94 acres.

The applicant is now proposing to further amend its site plan as follows: 1) Change the quantity and bedroom mix of apartments, increasing the number of units from 57 to 69, but decreasing the number of bedrooms from 142 to 97, with all apartments to be only 1- or 2-bedroom units; 2) Increase non-residential building area inclusive of additional roof terrace(s), conference room and study area, storage and maintenance; 3) Add habitable space to the basement floor; and 4) Change the building exterior appearance. The foregoing changes are collectively referred to herein as the "Project."

The transition of the basement into habitable space makes Building A a 5-story building under the Town's Zoning Code. Pursuant to §210-21(l)(4)(c), this requires a variance. On December 14, 2020, the Zoning Board of Appeals for the Town of Poughkeepsie granted the variance.

The Planning Board, as the designated Lead Agency for the original Fox Run project (f/k/a Fairview Commons) issued a Negative Declaration on August 21, 2014. As the designated Lead Agency for the first amended site plan, the Planning Board issued a Negative Declaration on December 19, 2019. The Planning Board has determined to conduct an uncoordinated review for this second amendment to the site plan currently under consideration.

**Location:**

1-60 Campus View Court, 60 Fulton Street, 7-11 Rondek Road, Lake Street Town of Poughkeepsie, New York, Dutchess County. Tax parcel identification numbers 6162-05-161788-0000.

**Documents and Comments Reviewed and Considered by the Lead Agency:**

The applicant submitted application materials to the Planning Board for Amended Site Plan approvals in October 2020.

The Planning Board considered the applications, materials, comments and discussion at regular meetings held on November 19, 2020 and December 17, 2020. A duly-noticed public hearing was opened on November 19, 2020 and continued on December 17, 2020. No public comments were received in support of, or opposition to, the proposed amendment. Written and oral comments were requested and/or received from the Town's Planning Department, Zoning Department, Water Department, Sewer Department, and Building Department; the Planning Board's consulting engineer (CPL); Fairview Fire District; the Dutchess County Department of Planning and Development and Department of Behavioral and Community Health (DCDBCH); and the New York State Department of Environmental Conservation (NYSDEC).

The Planning Board has compared the proposed action against the previously-approved project to assess the relative severity of any potential environmental impacts of the Amended Site Plan and has determined that for the reasons set forth herein a Draft Environmental Impact Statement will not be required.

**Reasons Supporting This Determination:**

The proposed changes to the site plan, discussed above, are not anticipated to create any significant adverse impacts to the environment or create a hazard to human health. There are not anticipated to be any adverse effects on air quality, ground water quality or quantity, quantity or type of energy used, noise levels or air quality, cultural or aesthetic resources, wetland or surface water resources, flora or fauna, significant species or habitat or community services. The proposed action is not anticipated to result in a substantial increase in solid waste production, or a substantial increase in potential for flooding or leaching problems. The proposed action would not result in the impairment or the environmental characteristics of a Critical Environmental Area. The proposed activity would not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.

Site parking, grading, utilities, lighting, landscaping, and access are to remain predominantly as previously approved. Regular and emergency access to the Project would remain unchanged, and the Amended Site Plan would continue to be served by municipal sewage treatment and water supply facilities from the Town of Poughkeepsie. Stormwater management design for the Project includes directing site runoff to on-site systems for collection and treatment prior to discharge. Stormwater management and erosion controls would conform to the requirements of the current NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity; NYSDEC Stormwater Management Design Manual; and NYS Standards and Specifications for Erosion and Sediment Control.

**Storm Water**

The Second Amended Site Plan initially presented a slight increase in impervious surface. This has been offset, however, by the removal of certain visitor parking spaces, resulting in a net decrease in impervious surface, such that an amendment to the previously-approved Stormwater Pollution Prevention Plan (SWPPP) is not required. Proposed stormwater management design for the Project directs site runoff to on-site systems for collection and treatment prior to discharge. Stormwater management and erosion controls would be in conformance with requirements of the current NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, NYSDEC Stormwater Management Design Manual, and NYS Standards and Specifications for Erosion and Sediment Control.

The implementation of the stormwater and erosion/sediment control plans to be completed during amended site plan review in conformance with statutory requirements would provide the protections required for downstream landowners and surface waters without the need for specific mitigation as a condition of approval.



Accordingly, potential adverse impacts of the Project related to storm water runoff would be avoided.

### **Water Supply and Sewage Disposal**

Although additional units are proposed, the overall number of bedrooms is decreasing. Water supply is adequate and available from the Town of Poughkeepsie for domestic use and fire supply. Sanitary sewage treatment is adequate and available from the Town of Poughkeepsie Sewer District. The Town Water and Sewer Departments must issue all required approvals for connection of the Project to the municipal water supply and sewage collection systems.

Accordingly, the potential adverse impacts to municipal water supply and sewage treatment facilities associated with the Project would be avoided.

### **Zoning and Land Use**

The underlying zoning for the site is Fairview Center (FC) and the Project has received a PROD designation. The site plans demonstrate compliance with the PROD density, bulk, open space and design criteria requirements, with the exception of one item for which a variance is required. As noted above, the creation of habitable space in the basement of Building A makes the structure a 5-story building under the Town's Zoning Code. Pursuant to §210-21(l)(4)(c), this requires a variance. The additional habitable space in the basement does not change the overall height of the building, which is compliant with the zoning requirements. In addition, the addition of this habitable space does not strain any community resources, since the overall number of bedrooms, and therefore likely occupants of the Project is decreasing. Finally, the Planning Board notes that, on December 14, 2020, the Zoning Board of Appeals for the Town of Poughkeepsie granted the variance, making the Project compliant with zoning. The Project as proposed is otherwise consistent with current zoning and land use regulations.

### **Traffic & Transportation**

Anticipated traffic from the Project is predicted based upon the number of units, not the number of bedrooms. Using that rubric, there are anticipated to be 5-6 peak hour trips more than what was expected under the site plan approved in 2019. This increase is not significant and is not anticipated to create any adverse effects. However, because the amended site plan proposes fewer bedrooms, it is anticipated that traffic actually will decrease, despite the increase in the number of units. Accordingly, the Project as proposed would have no significant adverse impacts on traffic.

### **Impact on Growth and Character of Community or Neighborhood**

#### Community Services

While the number of residential units is increasing, the bedroom count is decreasing. Because the amended site plan proposes fewer bedrooms, it is anticipated that the demand for community services such as police and fire emergency coverage will decrease from what was originally proposed. At minimum, it is not anticipated to increase.

On December 9, 2020, comments were received from the Fairview Fire District. Those comments did not identify any anticipated increase in demand for emergency services.

No substantial increased demand for public recreation or public education resources has been identified. The Project, as currently proposed, has 45 fewer bedrooms than the 2019 approved site plan and 24 fewer than the 2014 approved site plan. The applicant provided information that the current proposal will result in fewer residents than the 2014 proposal (which was determined not to create any significant adverse effects), and correspondingly, fewer school-aged children than the original proposal. The Planning Board agrees that, with the reduced number of bedrooms and anticipated reduction in the number of total residents, it is likely that the potential number of school-aged children will be less or, at least, will not increase significantly over the number anticipated in the 2014 approval and will not cause any adverse environmental effects.

Accordingly, the Project as proposed is not anticipated to have a significant adverse effect on local community services such as police and fire protection, public recreation, and schools.

Land Use and Community Character

Because the land use is not changing and only minimal visual changes are proposed, no negative effects on land use or community character are anticipated from the proposed action.

**Other Potential Impacts**

In addition to the discussion of impacts above, the Planning Board also has considered, and hereby issues a determination, concerning the following:

1. The proposed action would not result in the creation of material demand for other actions that would result in one of the above consequences.
2. The proposed action would not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
3. When analyzed with two or more related actions, the proposed action would not have a significant impact on the environment and when considered cumulatively, would not meet one or more of the criteria under 6 NYCRR 617.7.

For Further Information:

Michael Welti, Director of Municipal Development  
Town of Poughkeepsie  
One Overocker Road  
Poughkeepsie, New York 12603  
Tele: 845-485-3657

**THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE LEAD AGENCY HELD ON DECEMBER 17, 2020.**



ENVIRONMENTAL SERVICES

3 Nancy Court, Suite 4, Wappingers Falls, NY 12590  
Tel. (845) 897-0003 Fax (845) 897-0042 [www.EcoTecLLC.com](http://www.EcoTecLLC.com)

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# REMEDIAL ACTION WORKPLAN

Site:

Former Avello Facility  
60 Fulton Street  
Poughkeepsie, New York  
**NYSDEC Spill 17-10420**  
NYSDEC PBS 3-502243

Prepared for:

Page Park Associates  
PO Box 372  
Poughkeepsie, New York 12601

Prepared by:

EcoTec, LLC  
Evan Stankunas  
Qualified Environmental Professional, Cert.# 1408270

**REPORT DATE:**

**January 15, 2020**



## **Introduction:**

A Remedial Action Work Plan (RAWP) has been prepared by EcoTec, LLC Environmental Services (EcoTec) for Page Park Associates (PPA) for the property located at 60 Fulton Street, Town of Poughkeepsie, New York. The subject site is depicted on Figure 1 - Site Location Map. The plan addresses the proposed remedial activities to facilitate closure of spill number 17-10420.

## **Objective:**

The remediation objective is to perform source area petroleum contaminated soil removal with offsite soil disposal. This plan outlines the proposed scope of work, proposed schedule of site activities, post-excavation soil sampling protocols and post excavation groundwater characterization.

## **Site History & Description:**

The subject site is currently occupied by Avello Brothers Contracting, Inc. PPA and Avello are currently under contract for the transfer of real property. For the purposes of this report Avello Brothers Contracting, Inc. shall be referred to as the previous Owner.

The subject site had been utilized for storage of equipment and materials as well as an associated repair shop and office space. Previous uses for the site were not disclosed. The subject site is an irregular shaped parcel located on Fulton Street in the City of Poughkeepsie, New York. The subject site is improved by a one (1) story garage facility and associated office space. The site also utilizes several above ground storage tanks (ASTs) including gasoline and diesel motor fuel tanks and operates under a valid NYSDEC Petroleum Bulk Storage Certificate #3-502243. The remainder of the subject site is occupied by paved and unpaved parking/ storage areas. No knowledge of previous spills or releases were disclosed by the previous Owner.

The surface topography slopes from north to south. The primary direction of groundwater flow at the site has been determined to be south-southwesterly. Storm water runoff is directed to the west. Depth to groundwater varies from six (6) to eight (8) feet below ground surface (BGS). The drainage area within 1,000 feet south of the subject site is improved with paved parking area and commercial businesses.

The site is serviced by municipal water and sewer. No sensitive receptors were noted in the immediate vicinity of the subject site. The adjacent properties are serviced by municipal water and sewer. A portion of a former rail spur which was observed to be retaining surface water is located immediately west of the subject site.

## **Planned Development**

The site is proposed to be developed into a 3-story residential apartment complex. PPA is currently undergoing Town of Poughkeepsie Planning Board review for the proposed project. The proposed project includes construction and development activities in the proposed remedial excavation area. It is the intent of PPA to complete remedial actions prior to site construction.

### **Previous Investigations:**

In January 2018, a consultant who was retained by PPA conducted subsurface soil borings at the subject site. Soil samples were submitted to a laboratory for analytical data. The analytical results from the soil sampling activities indicated the presence of petroleum contamination in excess of NYSDEC CP-51 Soil Cleanup Levels (SCL) within one of the borings. The NYS Spill Hotline was subsequently notified and Spill number 17-10420 was assigned to the site.

As a result of this previous investigation, the previous Owner contracted with an excavation contractor to perform a limited exploratory excavation of the subsurface soils in the vicinity of the previous borings which the laboratory analytical data indicated constituents in excess of NYSDEC CP-51 SCL. On October 3, 2018 the contractor excavated soils to the groundwater interface. The soils and groundwater indicated the presence of petroleum contamination. Approximately twenty-five (25) tons of petroleum contaminated soils were excavated and staged on site for disposal. All excavation and disposal activities were completed by Others in November 2018.

As a result of the exploratory excavation, the previous Owner contracted with EcoTec to perform a Limited Subsurface Investigation in the general area of the exploratory excavation by Others. In November 2018, EcoTec performed the Limited Subsurface Investigation utilizing a Geoprobe direct push drill rig. Twelve (12) soil borings were installed within the subsurface soils. The soils were field screened with a PID meter for total volatile organic vapors; positive indications of petroleum contamination were noted along the western edge of the building and were confined to a zone of approximately forty five feet (45') west of the building in the parking area and extended approximately forty five (45') feet to the north and sixty (60') feet to the south of the previous exploratory excavation. The zone of impacted soils was identified below the apparent groundwater interface from approximately ten (10') feet BGS to at least sixteen (16') feet BGS. See Figure 4 – Boring Locations by EcoTec.

Four (4) groundwater samples were obtained from 1" temporary piezometer groundwater monitoring wells and were analyzed for VOCs and SVOCs. The direction of the groundwater flow was determined to be to the south-southwest. Dissolved groundwater impacts appear to be limited to the zone of highly-impacted soils. Analytical data from one (1) of the temporary wells indicated the presence VOCs which exceeded their respective NYS Groundwater Standards Criteria (GSC). The remaining temporary well samples indicated low-level VOCs, however the concentrations were below the NYS GSC. Laboratory analysis resulted in the detection of low-level MTBE in the most impacted temporary well; indicating a historical release of gasoline.

The groundwater analytical data are consistent with the laboratory soil data and field observations which indicate the presence of impacted soils in the area immediately south of the exploratory excavation by others. The lithology of the subsurface soils in the saturated zone is

comprised of mostly clay which would likely limit the transport of dissolved constituents, as observed by the low-level VOCs detected in the most distant temporary well.

### **Proposed Remedial Action**

The main objective of the proposed remedial action is to reduce the petroleum concentrations in soil and groundwater at the identified source in order to meet NYSDEC CP-51 Soil Cleanup Levels for Gasoline Contaminated Soils (Table 2). The primary remedial method is excavation of source area petroleum impacted soil with off-site disposal. Limited groundwater extraction will be implemented to enable active soil excavation below the groundwater interface. The groundwater shall be removed from the excavation through a dewatering well point, or a series of recovery points to enable the extraction of groundwater. The extracted petroleum impacted groundwater will be disposed of off-site. The scope of work to accomplish the selected remedial action for the source area soil removal will include:

- Removal of clean overburden soils, soils to be screened with PID, segregated and re-used as backfill.
- Excavation of petroleum impacted soils with an excavator to the groundwater interface. It is proposed that the excavation continue below the groundwater interface with dewatering activities.
- De-watering the excavation by means of pumping into on-site containers (frac tank) for subsequent off-site disposal.
- Confirmatory post-excavation soil sampling to be performed.
- Backfilling of the excavation with clean fill from locally sourced quarry(ies).
- Installation of a post-excavation extraction well, installation of groundwater monitoring wells.
- Post-excavation groundwater sampling to characterize efficacy of remedial excavation
- Preparation of a Remedial Action Report that summarizes site remedial efforts and all data obtained through sampling.

### **Soil Excavation and Off-Site Disposal**

The Limited Subsurface Investigation performed by EcoTec, identified a source area of petroleum contaminated soils (PCS) which exhibited concentrations of VOCs above the NYSDEC CP-51 Soil Cleanup Levels (SCL). The excavation of soils is likely to be completed utilizing a hydraulic excavator. The approximate area to be excavated is comprised of 1100 square feet immediately south of the existing building. All overburden soils will be field screening at regular intervals with a PID meter. Any soils displaying positive PID readings over 20 ppm shall be segregated and staged for disposal. During excavation it is estimated that approximately 500 tons of overburden non-impacted soils will be excavated and re-used for backfill on site. Excavation of the PCS shall occur at approximately nine (9) feet BGS to fifteen (15) feet BGS. This approximates to 370 tons of heavy wet clayey soils. The excavation shall proceed until the groundwater interface is encountered. The excavation shall be de-watered and all contaminated waters shall be managed

according to the *Groundwater Extraction* section. All PCS removed from the excavation shall be transported to a secure location on the property and staged on and covered with 6-mil poly sheeting. Excavation shall continue until final PID readings are less than 20 ppm. Confirmatory soil samples shall be collected prior to any backfilling activities according to the *Soil Sampling* section. The location of the proposed excavation areas is shown on Figure 3 – Proposed Remedial Excavation Location.

The excavation shall be backfilled with previously segregated overburden soils as discussed above. Additional clean soils shall be imported to the site from a local quarry. Gravels (drainage or pea stone) shall be utilized as backfill in the area of the post-excavation recovery well to enhance groundwater extraction should it be required post excavation. All non-gravel soils shall be compacted to prevent settling.

Subsequent to post-excavation soil sampling, all stockpiled PCS shall be characterized through analytical testing for acceptance by a disposal facility. The disposal facility shall be properly permitted to dispose of Petroleum Contaminated Soils. All soils shall be loaded for transport by a properly permitted Part 364 waste hauler. A manifest shall be created for each load of soil leaving the site for ultimate disposal.

### **Soil Sampling**

Confirmatory soil samples will be collected from the excavation bottom and sidewalls. The objectives of confirmation soil sampling are to confirm that PCS has been excavated where the extent is already known, and evaluate the concentrations of any remaining residual petroleum compounds in the source area.

Samples will be collected with decontaminated steel trowels from the excavator bucket and screened with a PID meter with headspace analysis and then transferred to laboratory supplied containers. Sampling protocols consistent with the NYSDEC DER-10 Sampling Guidelines and Protocols will be followed during sample collection, identification, labeling, and storing. Soil samples will be transferred, following collection, to a NYSDOH certified laboratory under proper chain-of-custody documentation.

Confirmatory soil samples will be collected from the sidewalls at frequency of one (1) per maximum 20 linear feet of sidewall. A grab soil sample shall be collected at the highest PID reading along the sidewall or a composite sample from a minimum three locations along the sidewall section. Additional soil samples may be required based on field conditions encountered. These soil samples will be analyzed by the laboratory in accordance with EPA Methods 8260 (CP-51 VOC Constituents) and 8270 (CP-51 SVOC Constituents).

A sufficient number of stockpile PCS samples will be collected and analyzed in accordance with EPA Methodologies required by the disposal facility (to be determined) for waste characterization and acceptance criteria.

### **Groundwater Extraction**

The groundwater was observed at approximately 8 to 10 feet BGS at the site. It is anticipated that groundwater will be encountered throughout the excavation process. Pumps will be utilized to extract groundwater from the excavation to facilitate further excavation into saturated soils. It is recommended that a recovery point or well be installed in a convenient location for access by site workers for dewatering activities.

All extracted water shall be stored in an on-site fractionation (frac) tank(s) to await ultimate offsite disposal. The disposal method shall be based upon the amount of liquid waste generated. All waste water shall be appropriately disposed of at a properly permitted off-site facility or through a Publicly Owned Treatment Works (POTW). Any disposal facility-required waste water analyses shall be performed prior to off-site disposal.

A post-excavation recovery well shall be installed within the excavation for future groundwater extraction (if required). The recovery well shall consist of an approximate 12" casing with holes or slots and be installed to at least the depth of the bottom of the excavation. The recovery well shall be backfilled with gravel (3/4" washed stone or pea gravel).

### **Post-Excavation Groundwater Sampling**

Post excavation groundwater monitoring wells will be installed in the general vicinity of the remedial excavation to characterize the efficacy of the remedial excavation activities. A minimum of three (3) groundwater monitoring wells shall be installed at locations to be determined based upon field observations and conditions.

The wells shall be constructed of 2" PVC casing with 0.10" slot, and the annulus shall backfilled with a filter sand and bentonite. The wells shall extended a minimum of five (5) feet below the groundwater interface. The wells shall be completed flush mount road box to protect the casing.

The wells shall be developed to enhance hydraulic conditions and remove any fines present from the drilling activities. The wells should be developed with a low-flow pump. Any developed water shall be containerized for future disposal. The development activities should continue until a representative groundwater sample can be obtained.

Subsequent to development activities the groundwater monitoring wells shall be sampled for laboratory analysis. Groundwater sampling shall include a depth to water measurement, removal of three to five wells volumes of water and visual and olfactory observations. The samples shall be transferred to appropriate laboratory supplied containers. These groundwater samples will be analyzed by the laboratory in accordance with EPA Methods 8260 (CP-51 VOC Constituents) and 8270 (CP-51 SVOC Constituents).





Based upon the results of the laboratory analysis of the groundwater, EcoTec shall make any additional recommendations for further remedial actions to the NYSDEC. If the groundwater analytical data indicate successful remedial efforts, a request shall be made to NYSDEC for closure of the monitoring wells.

### **Reporting**

As noted above, any additional groundwater remediation measures will be at the discretion of the NYSDEC. Upon receipt of laboratory data (soil and groundwater) which demonstrate successful remedial efforts, EcoTec shall compile a Final Site Remedial Action Report and it will be submitted to NYSDEC with a request for no further action.

### **Proposed Schedule of Events**

- Underground Utility Clearance Survey, Equipment Mobilization, Site Securing  
2 Weeks After NYSDEC Approval of Final RAWP
- Excavation, Dewatering, Soil Sampling, Backfilling  
3-4 Weeks After NYSDEC Approval of Final RAWP
- Installation of Groundwater Monitoring Wells  
5 Weeks After NYSDEC Approval of Final RAWP
- Initial Sampling of Groundwater Wells  
5 Weeks After NYSDEC Approval of Final RAWP
- Receipt of Soil and Groundwater Data, Consultation and Reporting to DEC  
7 Weeks After NYSDEC Approval of Final RAWP
- Subsequent Remedial Efforts (If Required)  
To be Determined
- Final Remedial Action Report  
To be Determined

**Figure 1. Site Location Map**



**Figure 2. Aerial View of Site & Relevant Site Features**





**Figure 3. Proposed Remedial Excavation Location**



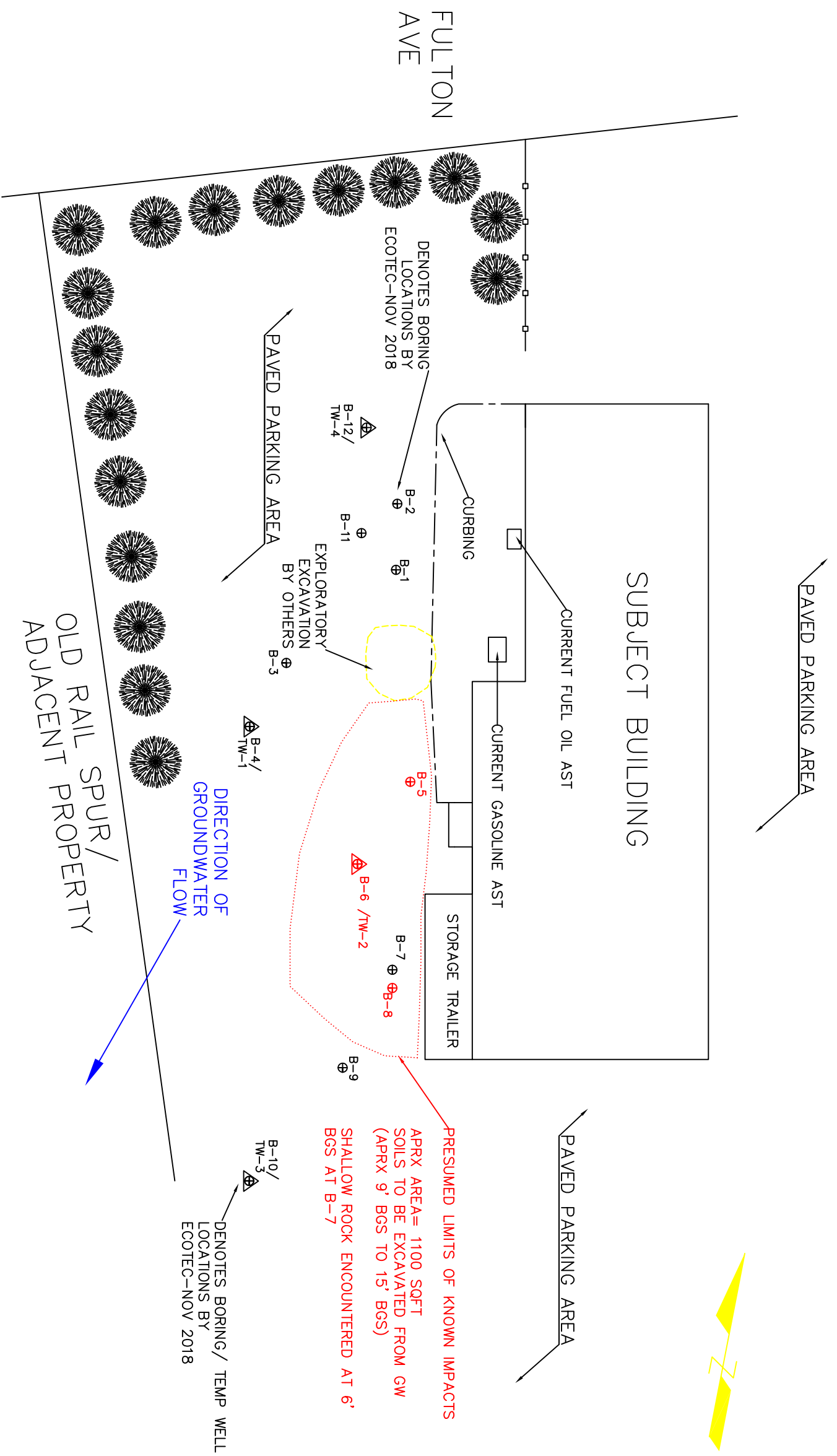


FIGURE 4--  
BORING LOCATIONS  
BY ECOTEC

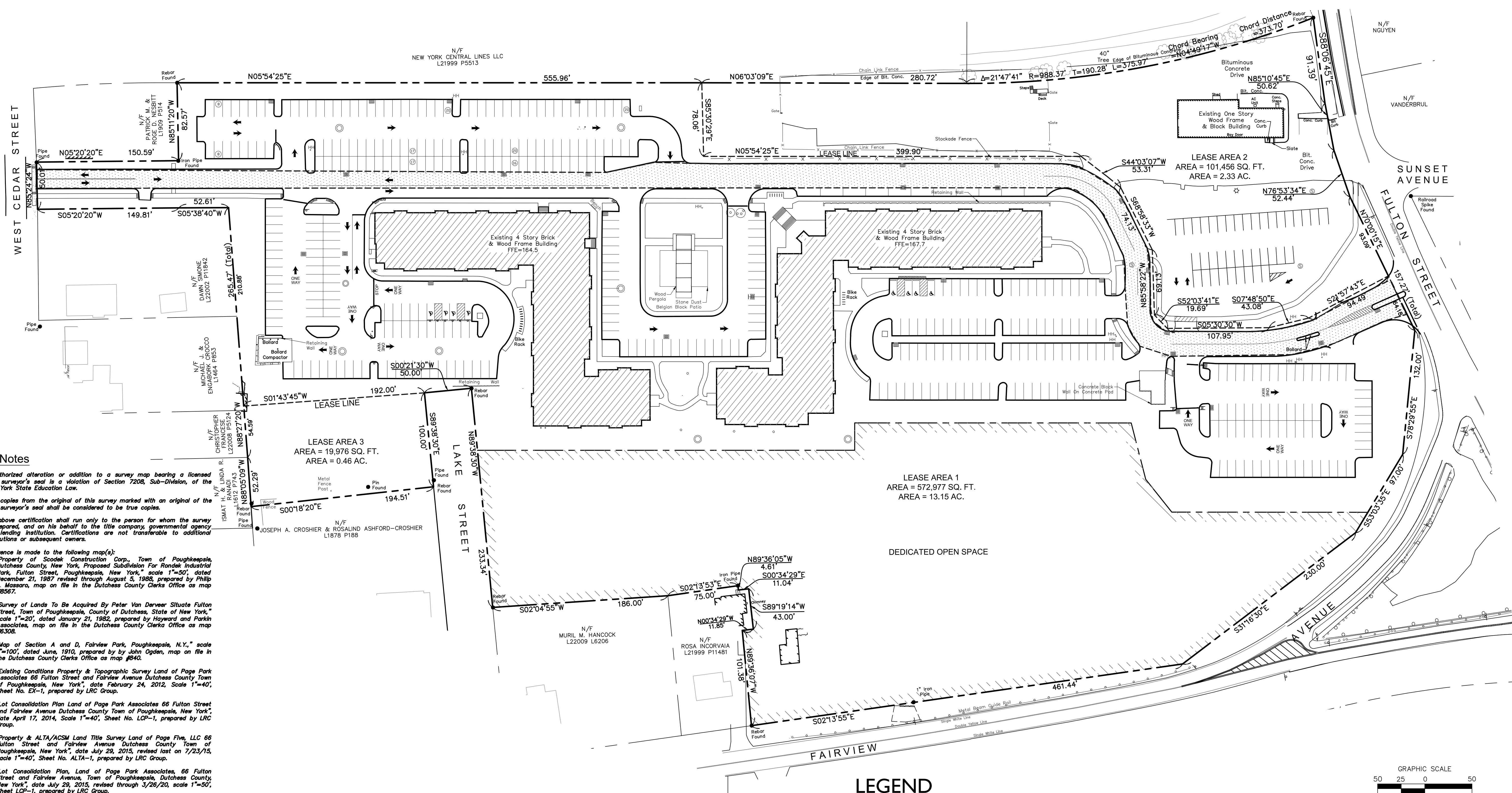
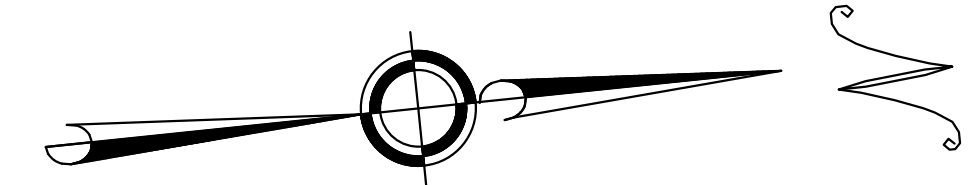
FORMER AVELLO PROP.  
60 FULTON ST  
POUGHKEEPSIE, NY

ECOTEC, LLC  
ENVIRONMENTAL SERVICES  
3 NANCY COURT, SUITE 4  
WAPPINGERS FALLS, NEW YORK 12590

DRAWN	DATE
EDS	12/15/18
REVISID	DATE
EDS	1/6/20
REVISID	DATE

SHEET: 1 OF 1

SCALE: 1"=20'



**Map Notes**

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7208, Sub-Division, of the New York State Education Law.
2. Only copies from the original of this survey marked with an original of the land surveyor's seal shall be considered to be true copies.
3. The above certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution. Certifications are not transferable to additional institutions or subsequent owners.
4. Reference is made to the following map(s):
  - A. "Property of Sadek Construction Corp., Town of Poughkeepsie, Dutchess County, New York, Proposed Subdivision For Randek Industrial Park, Fulton Street, Poughkeepsie, New York," scale 1"=50', dated December 21, 1987 revised through August 5, 1988, prepared by Philip J. Messaro, map on file in the Dutchess County Clerks Office as map #8567.
  - B. "Survey of Lands To Be Acquired By Peter Van Deuver Situate Fulton Street, Town of Poughkeepsie, County of Dutchess, State of New York," scale 1"=20', dated January 21, 1982, prepared by Hayward and Park Associates, map on file in the Dutchess County Clerks Office as map #6308.
  - C. "Map of Section A and D, Fairview Park, Poughkeepsie, N.Y.," scale 1"=100', dated June, 1910, prepared by John Ogden, map on file in the Dutchess County Clerks Office as map #840.
  - D. "Existing Conditions Property & Topographic Survey Land of Page Park Associates 66 Fulton Street and Fairview Avenue Dutchess County Town of Poughkeepsie, New York," date February 24, 2012, Scale 1"=40', Sheet No. EX-1, prepared by LRC Group.
  - E. "Lot Consolidation Plan Land of Page Park Associates 66 Fulton Street and Fairview Avenue Dutchess County Town of Poughkeepsie, New York", date April 17, 2014, Scale 1"=40', Sheet No. LCP-1, prepared by LRC Group.
  - F. "Property & ALTA/ACSM Land Title Survey Land of Page Five, LLC 66 Fulton Street and Fairview Avenue Dutchess County Town of Poughkeepsie, New York", date July 29, 2015, revised last on 7/23/15, scale 1"=40', Sheet No. ALTA-1, prepared by LRC Group.
  - G. "Lot Consolidation Plan, Land of Page Park Associates, 66 Fulton Street and Fairview Avenue, Town of Poughkeepsie, Dutchess County, New York", date July 29, 2015, revised through 3/26/20, scale 1"=50', Sheet LCP-1, prepared by LRC Group.
5. Parcel is not located within a flood zone as depicted on FIRM Flood Insurance Rate Map, Town of Poughkeepsie, New York, Dutchess County, panel 358 of 622, community panel number 361142 0001 E, map effective date May 2, 2012, parcel is located within zone X (areas determined to be outside of the 0.2% annual chance floodplain as depicted on firm flood insurance rate map, town of Poughkeepsie, New York, Dutchess county, panel 358 of 622, community panel number 361142 0001 s, map effective date May 2, 2012).
6. Project Acreage is 15.94 acres.

**Certification**

I hereby declare this map to be prepared in accordance with the Code of Practice of the New York State Association of Land Surveyors, adopted October, 1996 and revised through July 18, 1997.

JOHN F. WAGENBLATT, L.S. Lic. No. 050,547

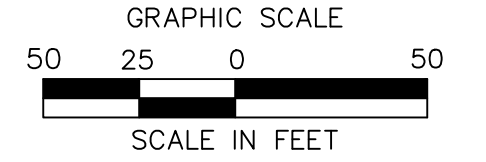
LEASE AREA 1  
AREA = 572,977 SQ. FT.  
AREA = 13.15 AC.

LEASE AREA 2  
AREA = 101,456 SQ. FT.  
AREA = 2.33 AC.

LEASE AREA 3  
AREA = 19,976 SQ. FT.  
AREA = 0.46 AC.

**LEGEND**

- PROPERTY LINE
- LEASE LINE
- COMMON ACCESS DRIVE
- DEDICATED OPEN SPACE
- CATCH BASIN



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LRC Engineering and Surveying, LLC

Date	05/06/20	COBINE LEASE PARCEL 2&4
Date	1/11/18	MAP TITLE & LEASE AREA 4
Revisions:	1	

**FUTURE DEVELOPMENT  
PLAN AREA MAP**

LAND OF  
**FOX RUN AT FULTON**  
25-35 CAMPUS COURT  
TOWN OF POUGHKEEPSIE  
DUTCHESS COUNTY, NEW YORK

Designed	LRC	CAD File	11-1135A	Sheet No.
Drawn	LRC	Project No.	11-1135A	
Checked	KFC	Date	12/11/19	
Approved	REM	Scale	1"=50'	

**LE-2**

Z:\LANDRESOURCES\CONSULTANTS\2011\_Jobs\11-1135-Page 4 - Fulton Street\Map\Map\FutureAreaMap.dwg  
L:\work\11-2



Lease Area 1  
Fox Run At Fulton 2 LLC  
66 Fulton Street and Fairview Avenue  
Town of Poughkeepsie  
Dutchess County, New York

All that certain piece or parcel of land shown as Lease Area 1 on a map Entitled “Property & ALTA/NSPS Land Title Survey – Land of Fox Run At Fulton 2, LLC – 66 Fulton Street and Fairview Avenue – Dutchess County Town of Poughkeepsie, New York” – Scale 1”=40’ – Dated December 4, 2017 Revised to May 6, 2020 and prepared by LRC Group.

Beginning at a point in the northerly street line of West Cedar Street, said point being the southwesterly corner of herein described Phase Lease parcel:

Thence running the following 2 (two) courses and distances along said land of Patrick M. & Roge D. Nesbitt: N05°20’20”E 150.59 feet, and N 85°11’20” W 82.57 feet, to a point in the easterly right of way line of New York Central Lines LLC;

Thence running N05°54’25”E 555.96 feet along the easterly right of way line of New York Central Lines LLC;

Thence running the following nine (9) courses and distances along Lease Area 2 S 85°30’29” E 78.06 feet, N 05°54’25”E 399.90 feet, N44°03’07”E 53.31 feet, N68°58’33”E 74.13 feet, S85°58’22”E 69.13 feet, N52°03’41”E 19.69 feet, N05°30’30”E 107.95 feet, N07°48’50”W 43.08 feet and N21°57’43”W 94.49 feet to a point in the southerly street line of Fulton Street;

Thence running N70°00’15” E 64.18 feet along said southerly street line of Fulton Street to a point, said point being the intersection of the southerly street line of Fulton Street with the southwesterly street line of Fairview Avenue;

Thence running the following 4 (four) courses and distances along the southwesterly and westerly street lines of Fairview Street: S78°29’55”E 132.00 feet, S53°03’35”E 97.00 feet, S31°16’30”E 230.00 feet, and S02°13’55”E 461.44 feet to a point, said point marks the northeast corner of land N/F of Rosa Incorvaia;

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LRC Engineering and Surveying, LLC  
LRC Environmental Services, Inc.  
Land Resource Consultants, Inc.

Connecticut Certified SBE

160 West Street, Suite E  
Cromwell, CT 06416  
Tel: 860.635.2877  
Fax: 860.635.4226

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Thence running the following 6 (six) courses and distance along land N/F of Rosa Incorvaia: N89°36'07"W 101.38 feet, N00°34'29"W 11.85 feet, S89°19'14"W 43.00 feet, S00°34'29"E 11.04 feet, N89°36'05"W 4.61 feet, and S02°13'53"E 75.00 to a point, said point being the southwest corner of land N/F of Rosa Incorvaia and the northwest corner of land N/F of Muril M. Hancock;

Thence running S02°04'55"W 186.00 feet along land N/F of Muril M. Hancock to a point in the northerly street line of Lake Street;

Thence running the following 2 (two) courses and distances along the northerly, and westerly street lines of Lake Street: N89°38'30"W 233.34 feet, S00°21'30"W 50.00 feet to the northwest corner of Lease area 3 as shown on said map;

Thence running S01°43'45"W 192.00 feet along Lease Area 3 to a point in the northerly property line of land N/F of Michael J. & Engabork Crocco;

Thence running N88°27'20"W 210.88 feet along lands N/F of Michael J. & Engabork Crocco, and Dawn Simone, in part by each, to the northwest corner of land N/F of Dawn Simone;

Thence running the following 2 (two) courses and distances along land N/F of Dawn Simone: S05°38'40"W 52.61 feet and S05°20'20"W 149.81 feet to a point in the northerly street line of West Cedar Street;

Thence running N85°24'24"W 50.01 feet along the northerly street line of West Cedar Street to the point or place of beginning.

Containing  
572,966 sq. ft.  
13.15 Acres.





Lease Area 2  
Fox Run At Fulton 2 LLC  
66 Fulton Street and Fairview Avenue  
Town of Poughkeepsie  
Dutchess County, New York

All that certain piece or parcel of land containing 2.33 acres and depicted as Lease Area 2 shown on a map Entitled "Property & ALTA/NSPS Land Title Survey – Land of Fox Run At Fulton 2, LLC – 66 Fulton Street and Fairview Avenue – Dutchess County Town of Poughkeepsie, New York" – Scale 1"=40' – Dated December 4, 2017 Revised to May 4, 2020 and prepared by LRC Group.

Beginning at an rebar found at the intersection of the southerly street line of Fulton Street with the easterly right of way line of land now or formerly of New York Central Lines LLC said point being the northwest corner of herein described parcel. Being further described as follows:

Thence running easterly the following four (4) courses and distances along the said southerly street line of Fulton Street S88°06'45"E 91.39 feet; N85°10'45"E 50.62 feet, N 76°53'34" E 52.44 feet, and N 70°00'15" E 93.09 feet, to the northwest corner of Lease Area 1 as shown on said map;

Thence running southerly, westerly, southwesterly, southerly again and westerly again the following nine (9) courses and distances along said Lease Area 1 S21°57'43"E 94.49 feet, S07°48'50"W 43.08 feet, S05°30'30"W 107.95 feet, S52°03'41"W 19.69 feet, N85°58'22"W 69.13 feet, S68°58'33"W 74.13 feet S44°03'07"W 53.31 feet, S05°54'25"W 399.90 feet and N85°30'29"W 78.05 feet to a point in the easterly right of way line of land now or formerly of New York Central Lines LLC;

Thence running northerly the following two (2) courses and distances along the said easterly right of way line of land now or formerly of New York Central Lines LLC N 06°03'09" E 280.72 feet and northerly on curve to the right having a radius of 988.37 feet an arc length of 375.97 feet to the point or place of beginning.

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LRC Engineering and Surveying, LLC  
LRC Environmental Services, Inc.  
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Lease Area 3  
Fox Run At Fulton 2 LLC  
66 Fulton Street and Fairview Avenue  
Town of Poughkeepsie  
Dutchess County, New York

All that certain piece or parcel of land shown as Lease Area 3 on a map Entitled "Property & ALTA/NSPS Land Title Survey – Land of Fox Run At Fulton 2, LLC – 66 Fulton Street and Fairview Avenue – Dutchess County Town of Poughkeepsie, New York" – Scale 1"=40' – Dated December 4, 2017 Revised to 1/5/2018 and prepared by LRC Group.

Beginning at a point in the southerly street line of Lake Street, said point being the northwesterly corner of land N/F of Joseph A. Croshier & Rosalind Ashford-Croshier, said point also being the northeasterly corner of herein described parcel:

Thence running S 00°18'20" E 194.51 feet along land N/F of Joseph A. Croshier & Rosalind Ashford-Croshier to a point, said point being in the northerly property line of land N/F of Ismat H. & Linda R Ranadi;

Thence running the following 2 (two) courses and distances along lands N/F of Ismat H. & Linda R. Ranadi, Christopher Francese, and Michael J. & Engabork Crocco; N 88°05'09" W 52.29 feet, and N 88°27'20" W 54.59 feet in part by each;

Thence running N 01°43'45" E 192.00 feet along Lease Area 1 as shown on said map to a point in the southerly street line of Lake Street;

Thence running S 89°38'30" E 100.00 feet along the southerly street line of Lake Street to the point of place of beginning.

Containing  
19,976 sq. ft.  
0.46 Acres.

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# Town of Poughkeepsie

## Planning Department

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3657 Phone  
845-486-7885 Fax

December 21, 2020

**Sent via email to: Kelly@pageparkassociates.com**

Kelly Libolt, AICP  
Page Park Associates  
85 Civic Center Plaza  
P.O. Box 792  
Poughkeepsie, NY 12602

**RE: FOX RUN at FULTON (aka FAIRVIEW COMMONS)**  
Grid Numbers 6162-05-161788 (10-60 Campus View Court)

Dear Ms. Libolt:

This letter is to inform you of the action taken by the Town of Poughkeepsie Planning Board at a meeting held on December 17, 2020, at which time you requested an Amended Site Plan Hearing to amend a previously approved site plan for one unbuilt building on a site of three buildings approved at Fox Run (a/k/a Fairview Commons): It proposes Fox Run at Fulton-Building A Amended Site Plan, to amend site conditions for Building A as follows: 1) Change the quantity and bedroom mix of apartments to be only 1-2 bedroom units (from 57 units with 142 bedrooms total, to 69 units with 97 bedrooms total); 2) Increase non-residential building area inclusive of additional roof terrace(s), conference room and study area, storage and maintenance, and; 3) Add a basement floor and change the building exterior appearance. Site parking, grading, utilities, lighting, landscaping, and access are as previously approved. The project is located in the FC (Fairview Center) District with a Planned Residential Overlay District (PROD) designation; ± 15.88 acres; SEQRA Negative Declaration issued 12/19/19 by the Planning Board as Lead Agency; *Fox Run at Fulton LLC, Owner.*

Motion that the Planning Board open the Public Hearing.

Moved: Carl Whitehead  
Seconded: Nicole Gemmati  
Carried: 7-0

Motion that the Planning Board close the Public Hearing.

Moved: Carl Whitehead  
Seconded: Nicole Gemmati  
Carried: 7-0

Motion that the Planning Board has determined to conduct an *uncoordinated* review of the Fox Run At Fulton - Building A Site Plan as Amended October 26, 2020 through December 17, 2020, a/k/a Fox Run at Fulton Second Amended Site Plan (a/k/a Fairview Commons); and finds that the action would not have a significant adverse impact on the environment, and that no environmental impact statement will be required for the reasons set forth in the SEQRA Negative Declaration for an Unlisted Action dated December 17, 2020.

Moved: Nicole Gemmati  
Seconded: Rocco Romeo  
Carried: 7-0

ROLL CALL VOTE	AYE/NAY
Chairman Whitehead	Aye
Member Fanelli	Aye
Member Gemmati	Aye
Member Nasser	Aye
Member Paganelli	Aye
Member Quinn	Aye
Member Romeo	Aye

Motion that the Planning Board grant conditional Amended Site Plan Approval for the Fox Run at Fulton - Building A Amended Site Plan a/k/a Fox Run at Fulton Second Amended Site Plan (a/k/a Fairview Commons), subject to the following:

Respond to comments of the Planning Board and those received from Town departments and Agencies, said responses to be reviewed by the Planning Department as to adequacy and completeness, inclusive of the following:

1. Planning Department comments dated December 10, 2020.
2. Town Engineer comments dated December 9, 2020.
3. Zoning Administrator's review and approval of final plans.
4. Water Department's review and approval of final plans.
5. Sewer Department's review and approval of final plans.
6. Building Department's review and approval of final plans.
7. Fairview Fire District's comments dated December 8, 2020.
8. Standard conditions of approval:
  - a. Approval of the Department of Planning and consulting Town Engineer of the proposed final plans for the project.
  - b. Approval of the Water and Sewer Departments for any alterations to water or sewer service facilities requiring Town approval.
  - c. Pursuant to Chapters 105 and 106 of the Town Code, the applicant shall pay the cost of all application and consultant review fees incurred by the Town in the review of this application including all inspection fees, prior to the Chairman's signature.
  - d. This Site Plan Approval shall be void if construction is not started within one (1) year of the date of Planning Board approval, and completed within two (2) years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by request of the applicant for up to two (2) additional ninety (90) day periods. The applicant shall receive no notice of the pending expiration and it is the sole responsibility of the applicant to renew the Site Plan Approval prior to its expiration.
9. The site plan is conditioned upon satisfaction of the DC Department of Public Work, regarding stormwater drainage effects upon the County's property and its intended use.

10. Show rooftop terrace lighting plan (locations and levels sufficient for safety, especially near the building edge, and not overlit), subject to review with the Planning Department.
11. Address rooftop railing and parapet (relative layout and height above terrace floor in plan and section/elevation views), subject to review with the Planning Department.
12. Comments from the Planning Board meeting: Update plan to indicate proposed five stories (e.g. where inconsistent callouts indicate four).

Moved: Nicole Gemmati  
 Seconded: Rocco Romeo  
 Carried: 7-0

ROLL CALL VOTE	AYE/NAY
Chairman Whitehead	Aye
Member Fanelli	Aye
Member Gemmati	Aye
Member Nasser	Aye
Member Paganelli	Aye
Member Quinn	Aye
Member Romeo	Aye

Motion that the Planning Board grant Architectural Review approval for Building A, as amended.

Moved: Carl Whitehead  
 Seconded: Nicole Gemmati  
 Carried: 6-0 (Member Paganelli absent)

ROLL CALL VOTE	AYE/NAY
Chairman Whitehead	Aye
Member Fanelli	Aye
Member Gemmati	Aye
Member Nasser	Aye
Member Paganelli	Absent from room
Member Quinn	Aye
Member Romeo	Aye

**NOTE TO THE APPLICANT:** *In responding to the comments of the Planning Board, Planning Department Staff, any of the various Town Departments and Agencies, and any of the Town's consultants, it is the responsibility of the applicant to prepare appropriate and complete responses to each and every comment contained in the comment letter(s) and memoranda listed above. Failure to submit appropriate and complete responses to each and every comment as noted may result in the removal of the application from the Planning Board agenda, or may delay plan signatures pending a revised response.*

Very truly yours,

*Carl Whitehead*

Carl Whitehead  
 Planning Board Chairman

PRESENT:	ABSENT:
Chairman Whitehead	
Member Fanelli	
Member Gemmati	
Member Nasser	
Member Paganelli	
Member Quinn	
Member Romeo	

CW:cab

cc: Felicia Salvatore, Town Clerk, via email  
 Lisa Cobb, Esq., Wallace & Wallace, LLP, Planning Board Attorneys, via email  
 Jennifer Coccozza, Deputy Commissioner, Dutchess County Dept. of Planning and Development, via email  
 Robert Balkind, P.E., Commissioner, Dutchess County Department of Public Works, via email

File #14-04