

# REPORT FROM THE NEW YORK STATE SENATE

## COMMITTEE ON INVESTIGATIONS AND GOVERNMENT OPERATIONS

CHAIR  
SENATOR JAMES SKOUFIS



**Final Investigative Report:**  
**Examination of Unessential  
Financial Assistance Provided by  
Industrial Development Agencies**

July 26, 2023

# COMMITTEE ON INVESTIGATIONS AND GOVERNMENT OPERATIONS

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## I. EXECUTIVE SUMMARY

Industrial Development Agencies (“IDA” or “agency”) are public benefit corporations established under Article 18-A of the New York General Municipal Law and subject to other additional provisions such as the Public Officers Law and Public Authorities Accountability Act. They exist to foster economic growth and welfare through job creation and retention, as well as the expansion and attraction of businesses to improve the quality of life for the communities in which they operate. In furtherance of this mission, IDAs wield tremendous authority to grant various public economic incentives to qualified project applicants, including but not limited to the issuance of tax-exempt or taxable bonds, real property tax abatements, and mortgage recording and sales tax exemptions, as well as offer some services.<sup>1</sup>

As IDAs have been given the ability to issue a number of publicly financed economic development benefits, the New York State Senate Standing Committee on Investigations & Government Operations (“Committee”) opened a formal review of how agencies manage, vet, and potentially award these subsidies to both applicants claiming financial assistance is necessary to accomplish a project and applicants stating their projects could be achieved without such incentives.<sup>2</sup> The Committee has identified the following findings, which will be detailed along with related recommendations in Section III:

- Proper questions are generally asked – and other procedural elements are fulfilled – as part of applications for IDA financial assistance, but there is little scrutiny of an applicant’s answers by an agency after the fact;

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<sup>1</sup> See *gen* NYS General Municipal Law Secs. 858 & 874

<sup>2</sup> Reference to the “Committee” within this report refers to the actions and opinions of a majority of Investigation and Government Operations Committee members.

- Certain key terms like “job growth,” “job retention,” and “total project fulfillment” should not be de facto automatic qualifiers to applicants receiving otherwise unessential financial assistance from IDAs; and
- The Milmar Foods expansion project in the Town of Goshen provides an egregious case study that demonstrates why further scrutiny and enhanced oversight of IDA operations and projects are necessary.

## II. NEW YORK STATE SENATE INVESTIGATION

In February 2023, the Committee initiated a statewide probe into certain aspects of applications for financial assistance made to various Industrial Development Agencies. Specifically, the Committee surveyed a sample of IDAs on their treatment of applicants who may indicate on their standard applications for financial assistance that projects would proceed even without requested incentives.<sup>3</sup> The Committee examined the form and substance of how this mandatory inquiry was made and the extent to which any due diligence measures were conducted to verify responses. Additionally, the Committee sought accountings and justifications from each IDA regarding applicants since 2018 that have been awarded incentives despite stating economic assistance was not ultimately necessary to move forward.

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<sup>3</sup> See NYS General Municipal Law Sec. 859-a(4)(d) (stating that “a standard application form, which shall be used by the agency to accept requests for financial assistance from all individuals, firms, companies, developers or other entities or organizations [...] shall be submitted by or on behalf of the applicant, and subscribed and affirmed under the penalties of perjury by the applicant, or on behalf of the applicant by the chief executive officer or such other individual that is duly authorized to bind the applicant, as true, accurate and complete to the best of his or her knowledge [and] shall include [amongst other information required or deemed necessary by the agency] [...] *a statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the agency or, if the project could be undertaken without financial assistance provided by the agency, a statement indicating why the project should be undertaken by the agency* [emphasis added]”).

Accordingly, the Committee inquired with the following IDAs: Town of Amherst, City of Auburn, Chautauqua County, Orange County, Rensselaer County, Steuben County, and Sullivan County. The Committee recognizes the responsiveness and cooperation of the majority of the agencies. However, the Committee admonishes Orange County-related entities, including Mack Bros. Ltd. for failing to reasonably respond to its information and document request, as well as the Orange County Partnership and Orange County IDA for refusing to be interviewed by the Committee or provide follow-up documentation and responses past the initial request. The disregard and negligence shown by Orange County economic development agencies is emblematic of the deep-seated, troublesome culture that exists and that prompted the Legislature to install a state monitor within the Orange County IDA; if not for this unprecedented measure of accountability, the Committee would have likely pursued subpoenas.

### **III. INVESTIGATIVE FINDINGS AND RECOMMENDATIONS**

#### **a. “But for” Question Asked, Scrutiny Questionable**

The Committee found that each agency technically fulfilled its obligation under Section 859-a(4)(d) of the New York State General Municipal Law to inquire whether an applicant would or would not be likely to undertake a project “but for the financial assistance provided by the agency” as part of its standard application form. For example, the Amherst IDA makes the query in four parts of its application:

*(1) If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the project should be undertaken by the Agency[.]*

*(2) Describe the reasons why the Agency’s financial assistance is necessary, and the effect the Project will have on the Applicant’s business or operations. Focus on competitive issues, project shortfalls, etc. Your eligibility determination will be based in part on your answer (attach additional pages if necessary).*

*(3) Please confirm by checking the box, below, if there is a likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency.*

*(4) If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?*

All agencies represented the importance of this information as part of the overall evaluation and determination of granting financial assistance to an applicant. Moreover, it was encouraging to the Committee that the Auburn IDA appropriately conveyed that “[a]ny project that requests benefits despite failing the statutory ‘but for’ test would be required to prove that it is necessary for a vital need of the people of the City of Auburn that could not be met by an existing business or other service.”

The Investigation found that the examined IDAs typically adhere to the exact letter of the law, regarding formal prerequisites for the provision of financial assistance to a project vis-à-vis the application process and other policies and agreements adopted or required by the agency.<sup>4</sup> However, the IDAs surveyed did not appear to conduct a meaningful or diligent analysis of the claims made by applicants seeking benefits. The agencies primarily pointed to information provided by the applicants during discussions or in presentations as the primary sources for

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<sup>4</sup> See *gen* NYS General Municipal Law Sec. 859-a (requiring an agency to comply with several prerequisites before providing financial assistance, including but not limited to adopting a project resolution and sharing it with affected tax jurisdictions, analyzing assistance in relation to its uniform tax exemption policy, holding a public hearing, accepting a complete standard application form and other documents, assessing uniform criteria including a written cost benefit analysis, and other procedures).



demonstrating financial need, with limited mentions of any follow-up or requests for additional information. Overall, IDAs seem to emphasize and prioritize fulfilling procedural requirements and determining overall project feasibility and scope rather than taking a deep dive into why financial assistance is being requested and whether it should be awarded.

Accordingly, the Committee is concerned with the degree to which IDAs accept applicants' information on face value without performing a due diligence assessment, including: (1) adequately verifying an applicant's statement on the "likelihood" of not pursuing a project without taxpayer benefits or (2) scrutinizing why a project should receive public assistance at all when it is not essential for completion. Therefore, the Committee recommends agencies specifically task IDA staff with, to the extent practicable, authenticating and confirming the information a project applicant represents on its application with regard to the necessity of aid. IDA staff and their boards of directors, in some routine capacity, should be directly responsible for ensuring the truth behind an applicant's claims through investigatory means. Functions may entail questioning and seeking supplementary information from lending institutions, real estate companies, municipalities, and other entities with ties to the applicant when determining broad claims of diminished project scope, expanded timelines for project completion, missed job growth, or reputable opportunities in competing jurisdictions. The Committee also recommends additional training by the New York State Authorities Budget Office ("ABO") pertaining to heightened analysis of the "but for" question for IDA boards and staff. Moreover, the ABO should be authorized to intervene in IDA decision making – removing staff if appropriate – upon a finding of a pattern of abuse by an agency in awarding financial assistance without satisfactorily inquiring into applicants' assertions.

## **b. Spotty Justifications for Unessential Benefits**

From the sample of agencies approached by the Committee, only the Steuben County IDA and Orange County IDA awarded benefits to applicants since 2018 that noted a likelihood a project would advance even without public incentives. The Orange County IDA identified five projects that would have progressed without subsidies, including one applicant that terminated its relationship with the agency in 2020. The Steuben County IDA also accounted for five projects, including one that “did not move forward as proposed,” resulting in the Board ending the incentive proposal before benefits were delivered. Both IDAs supplied justifications for these projects, which can be found in their entirety within the Appendix to this report.

The Steuben County IDA shared some of the following rationales for providing financial assistance to projects that had said they could move forward without it:

- “If IDA Assistance was not granted, the applicant indicated that they would only expand engineering and continue to outsource manufacturing” that would conceivably lead to low or no job creation.
- “The purchasing company had other facilities outside of the region and indicated that they would proceed with the purchase but without IDA benefits they would likely look to expand future employment opportunities to another location. After confirmation of these other locations by staff, the Board agreed to transfer the remaining PILOT benefits and grant a one-time mortgage tax abatement to support the retention of 60 jobs and the continued growth of this company in the community.”
- “It was determined by the Board that the negotiated fixed payment PILOT was necessary to provide a stabilized financial model for the railroad to assure continued rail service to customers along the corridor.”
- “The company indicated that without State and IDA assistance they would make a partial investment in their leased NY operation but would position investment toward the Midwest for the expanded facilities and employment growth. The Midwest was targeted because this is where the company's customer base is located.”

- “Staff met with the company in January of 2023 and learned that without IDA assistance the company would continue to invest in the existing warehouse but at a slower pace which would also delay the construction of the administrative building. To support the rapid expansion opportunity presented, the board approved the reduced incentive proposal of sales tax only.”

The Steuben County IDA also stated its overall inability to concretely assess “whether jobs projected are new as a result of the project or a result of organic growth[,] [which] would be highly speculative due to the numerous factors that determine a company’s success.”

The Orange County IDA shared some of the following rationales for providing financial assistance to projects that had said they could move forward without it:

- “It is possible the project could be undertaken but not to the same degree[.] These incentives will increase the project’s ability to create jobs, promote tourism and sustain a lasting economic impact on [Orange County].”
- “The Financial Assistance requested from the [Orange County IDA] will enable [the applicant] to automate and semi automate current manual functions. Currently the operations [...] are highly manual and physical [and the] goal is to both automate the processes as much as possible as well as providing a comfortable and safe work environment. The Financial Assistance provided by the [Orange County IDA] will help us fulfill our goals!”
- “Though the project in some capacity will be able to move on without financial incentives, it will be brought to its full potential with the incentives. With the help of the IDA, we will be able to employ more people, which will create a better business structure, and allow more money to flow through the building [to] make it nicer.”
- “While a portion of the project may proceed without the Agency’s Financial Assistance, the overall scope of the project would be severely diminished without the incentives sought. More specifically, not receiving Financial Assistance would likely reduce the project size, facility output, overall number of jobs and our ability to spearhead and support meaningful community programs.”

- “If financial Assistance is not provided by the Agency, not as many jobs will be created in the same time frame. Profitability and positive cash flow will drive job creation, as the timeline of the project will be extended and our ability to add jobs will be limited.”

The Committee acknowledges that not all public financial incentives awarded by IDAs are inherently improper. For example, the Steuben County IDA shared some reasonable rationales for providing benefits to avert facility and personnel relocations to other areas. However, other rationales – including those predominantly given by the Orange County IDA – that focus upon general job creation, utilization of local labor, or total fulfillment of project goals should not be used as all-encompassing catchalls to procure otherwise unneeded incentives. Only specific justifications for necessity should be given by an applicant and accepted by an IDA, rather than simple buzz words that may sound laudable but are not rooted in firm fact. Moreover, the Committee has reservations about how this information skews an agency’s cost-benefit analysis without stricter due diligence measures, especially due to the unsubstantiated nature of an IDA’s ability to acutely gauge whether anticipated job growth would be new or naturally occurring.

Further, the Committee urges comprehensive improvements to Section 859-a of the NYS General Municipal Law regarding the standard application for financial assistance form’s “but for” question, as well as an agency’s uniform criteria for evaluating and selecting projects, including its written cost-benefit analysis. In determining the best use of public incentives, the Committee recommends amending the aforementioned statute to not just simply require an applicant to make a statement as to the likelihood of not undertaking a project “but for” IDA financial assistance. Section 859-a should be strengthened to include an actual test and finding of fact by the IDA (potentially including input from affected taxing jurisdictions) – akin to what is required in

Minnesota – that “subsidized development would not have happened *but for* the use of [public financial incentives].”<sup>5</sup> The purpose is straightforward and twofold:

(1) “Prevent[ing] excessive [...] or unnecessary use of [public financial incentives]. If a development would have been done anyway, why should [public financial incentives] be used to assist it?”; and

(2) “Protect[ing] the interests of overlapping governmental units” so that tax revenue will not be diverted from municipalities and schools if development would occur regardless of incentives.<sup>6</sup>

Minnesota Statutes, Section 469.175(3) requires – in this case – the municipality to formally opine on whether “the proposed development or redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future” and “the increased market value of the site that could reasonably be expected to occur without the use of [public financial incentives] would be less than the increase in the market value [of the site through the use of public subsidies].”<sup>7</sup> Wisconsin and Indiana operate with similar statutes.<sup>8</sup> Adding this firmer line of evaluation, at minimum, to a New York IDA’s overall analysis of whether aid is required for a given project would add some much-needed teeth to an otherwise deficient question.

Lastly, the Committee recommends all IDAs submit their proposed contracts and agreements for financial assistance for a given project to each impacted taxing jurisdiction for

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<sup>5</sup> See “The But-For Test,” by the Minnesota House Research Department. Available at <https://www.house.mn.gov/hrd/issinfo/tif/butfor.aspx>

<sup>6</sup> See id.

<sup>7</sup> See 2022 Minnesota Statutes, Section 469.175. Available at <https://www.revisor.mn.gov/statutes/cite/469.175>

<sup>8</sup> See *gen* “Improving Tax Increment Financing (TIF) for Economic Development,” a policy focus report by David Merriman and the Lincoln Institute of Land Policy (urging state legislatures to review “but for” requirements for effectiveness; describing Wisconsin legislation that requires decisions to approve public financing to partially hinge on “whether the development expected [...] would occur without the use of [incentives]” and Indiana legislation requiring “a specific finding of fact, supported by evidence, that the [awarding of incentives] will result in new property taxes in the area that would not have been generated but for the [assistance provided]”).

consideration so that IDAs ultimately cannot proceed with awarding benefits unless and until the governing bodies of these jurisdictions approve them. The Rockland County IDA is an example of an agency that successfully and voluntarily applies such safeguards to protect taxing jurisdictions and their taxpayers. Thus, greater scrutiny and precise attention to the needs of communities would be realized during deliberations over the issuance of public incentives.

### **c. A Critical Case Study of Bad Practices: The Milmar Application**

The Committee spotlights the following example of the Orange County IDA's systematic lack of consideration for the financial well-being of taxpayers, the local economic environment, and actual returns on invested public dollars. On December 21, 2022, the Agency unanimously adopted a final resolution approving a generous financial assistance package for Mack Bros., Ltd.'s ("Milmar," "Milmar Foods," or "Milmar Food Group") expansion of its food processing facility in the Town of Goshen. Milmar received a 15-year payment in lieu of tax ("PILOT") agreement worth a total of savings to the company of approximately \$2.25 million, state and local sales and use tax exemption benefits not to exceed \$487,500, and a mortgage recording tax exemption of \$75,000. Milmar had previously confirmed on its August 3, 2022, application for financial assistance to the Orange County IDA that the project would move forward without such incentives but that Agency assistance was the key to more expeditiously driving anticipated job creation.

However, upon review of various Town of Goshen Planning Board materials, IDA documents, and Milmar responses, the Committee condemns the shifting narrative clearly provided by the applicant regarding its planned job growth and active employee headcounts. It is evident to the Committee that competing claims related to adding jobs, retention, and current employment levels were unambiguously stated throughout the majority of 2022, depending on the

audience receiving the information. The following timeline highlights major discrepancies apparent to the Committee in Milmar’s public representations regarding “jobs” and the arching need for the project:

- **April 4, 2022** – *Site Plan Prepared for Milmar Foods, Project Narrative, and Other Forms Submitted to the Town of Goshen Planning Board.* Stating, “the additions are proposed to increase space between employees (the need for which became evident during the Covid pandemic) and improve efficiency within the facility and will enable the owner to eliminate the evening shifts that are currently occurring. These improvements are not expected to create any additional demand on the number of employees, nor the water supply or sewage treatment facility.” In seeking a waiver for a reduced amount of parking spaces, also stating, “the number of employees is not expected to increase.” Milmar President stating the plant “employ[s] more than 200 people” and further affirming “although the plant square footage will increase by approximately 39,758 square feet, there is expected to be no increase in the number of employees, water demand or wastewater generated. The additions merely provide much needed space between workers and between work areas, and reduce the trucking costs associated with transport to the offsite freezer facility in New Jersey. Production will also just be done on days and not during the nighttime.”
- **May 11, 2022** – *Orange County Office of Economic Development Letter to the U.S. Department of Agriculture* in “support of Milmar Food Group’s grant application to the USDA Meat and Poultry Expansion Program.” Representing current employment of “over 300 workers,” that development will lead to “more than 20 construction jobs,” and how “once completed in 12-18 months, the expanded operations will require additional skilled labor, for which they intend to employ Orange County residents.”
- **June 14, 2022** – *Site Plan Prepared for Milmar Foods, Architectural Renderings, Zoning Analysis, and Other Materials Submitted to the Town of Goshen Planning Board in Conformance with Special Permit Criteria.* Stating as part of parking calculations that “the facility employs about 210 people” and “although use may

vary slightly from day to day, this extent of parking is typical for the facility. There is not expected to be any increase in the number of employees as a result of the project.”

- **August 3, 2022** – *Orange County IDA Application for Financial Assistance*. Applicant attesting to “50 job openings over a [sic] 36 months working alternate shifts [being] the economic benefit to the local area.” Explaining that “if financial assistance is not provided by the Agency, not as many jobs will be created in the same time frame. Profitability and positive cash flow will drive job creation, as the timeline of the project will be extended and our ability to add jobs will be limited. Overall, it will take us several years longer to realize the number of new jobs we anticipate adding, if we can reach those numbers at all, without the Agency’s assistance.” Stating current employee headcounts of 300 full time equivalents to be retained.
- **Late August 2022** – *Town of Goshen Electronic Correspondence* reviewed by the Committee showing municipal personnel under firm impression from beginning of project discussion that no additional employees would be added, mitigating water and parking concerns. Recalling Orange County Partnership public commentary clarifying job “retention” instead of “creation.” Advising further discussion and verification.
- **September 7, 2022** – *Milmar Foods Group Letter to Town of Goshen Planning Board*, “rectify[ing] a situation that has come to [their] attention relative to job creation as a result of [their] planned expansion.” Stating 300 current employees (“the majority of which are full time permanent status”). Milmar President & CEO acknowledging that “in May 2022, Milmar met with and presented an application for Orange County IDA benefits. This application was heavily focused on job creation. Milmar has always had an impressive employee growth model because of our production schedule – it is not unusual for our company to increase employees between 16 to 20 full time employees per year. At the time that I was meeting with the planning board, I did not think that this number was significant enough to mention. I sincerely apologize for any confusion. I should have let you know that



we were going to increase employees as we have done since the beginning of our time here in Goshen.”

- **September 15, 2022** – *Milmar’s Appearance before Town of Goshen Planning Board* for “a discussion of discrepancy between application for site plan approval submitted to the Town indicating no change in number of employees and the Orange County Industrial Development Agency application indicating approximately 50 additional employees within three years. Applicant requested to submit an engineer’s report describing the anticipated additional employees, work-shift distribution, and impacts to water, sewer, and parking.”<sup>9</sup>
- **October 12, 2022** – *Revised Site Plan Prepared for Milmar Foods and Evaluation of Additional 45 Employees*. Stating 45 additional employees will be present at the facility and active employee headcounts of 352 (in 2019) versus 239 (through the first 23 weeks of 2022).
- **November 7, 2022** – *Orange County IDA MRB Cost Benefit Calculator* utilizing information for 104 temporary/construction jobs (70 direct, 34 indirect) and 79 ongoing/operations jobs (50 direct, 29 indirect).
- **November 19, 2022** – *Orange County IDA Public Hearing in the Matter of Re: Mack Bros. Ltd.* Applicant providing current employment levels of 240 and estimating 50 jobs will be added.
- **May 5, 2023** – *Milmar Letter to Mid-Hudson Regional Economic Development Council*. Stating that “when the IDA asked the question if we would build the freezer, we answered yes, but nowhere did it allow us to explain that we will build in the freezer in New Jersey if we don’t get the incentives.”
- **May 23, 2023** – *Mack Bros. Ltd. Responses and Objections to Information and Document Requests of the Committee*. Responding that “with respect to the distinction between new job creation and organic growth, all of the new jobs that have been projected from the proposed project would be entirely new jobs, and not organic growth. Those new jobs would be housed in the new facility that is to be built. None of those jobs will be created if the new facility is not built and the new

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<sup>9</sup> Gen available at <https://townofgoshen.org>

facility will not be built in Orange County using local labor without the proposed incentives. As such, all new jobs that will be created are a direct result of the requested incentives. It should be noted that our development plan takes into account these additional hires, and incorporates the potential for ‘shift work’ to accommodate the impacts of these additional employees at the site.”

The aforementioned information is abundant evidence to the Committee that Milmar repeatedly and purposefully tailored its divergent messaging to various governmental and quasi-governmental entities in 2022 in an attempt to sidestep planning requirements while maximizing its eligibility for public assistance to the greatest extent possible. Milmar was extremely straightforward in its statements to the Goshen Planning Board: facility expansion was merely meant to build workspace between cramped employees while cutting down on out-of-state transportation costs; no new employees would be added, plain and simple. However, knowing full well that mentions of job creation would be attractive to entities offering financial incentives, Milmar concurrently prioritized that angle. Conceivably, Milmar did not want to attract attention from the Town that would have triggered water, sewer, and parking mandates (and added project costs) at the onset of their Planning Board application as a result of adding jobs. Yet, they had no issue making such appealing statements regarding greater employment opportunities when seeking public subsidies. Even correspondence from 2023 conveys the conflicting message of whether IDA incentives were needed to create jobs, speed up expansion, or prevent consolidation in New Jersey.

The information supplied by Milmar – including to the Orange County IDA – provided inconsistent current and expected employment figures: active headcounts ranged from 200-300, construction jobs varied, and job “growth” eventually replaced “retention” when questions were raised late toward the end of 2022. Moreover, there is uncertainty as to the actual impacts of job “retention” vs. “growth” – no matter how characterized – when taking into account the average number of employees working week to week in 2019 (352) as opposed to the first 23 weeks of

2022 (239). Given the presumed effects of COVID-19 on operations and the varying levels of shift work performed, it enhances the impossibility of stating for certain the amount of active, full-time jobs to be preserved and what growth will exactly occur. Additionally, it should be noted that the overwhelming majority of the jobs identified to be created are projected to pay average salaries of just \$35,000. The Orange County IDA (and Orange County Partnership) were aware of this varying storyline but appear to have done little to attempt to obtain an accurate assessment of the situation before choosing to provide incentives. This differs from the due diligence demonstrated by the Town of Goshen Planning Board; had the Planning Board not exercised as much scrutiny over Milmar’s illustrations, these issues likely would not have come to light.

To deliver critically-needed, enhanced oversight of the Orange County IDA – and to prevent future harm to Orange County businesses and residents who have been forced to subsidize anti-taxpayer deals a la Milmar Foods – an independent monitor appointed by the State Inspector General was created within the FY 2023-24 NYS Budget.<sup>10</sup> The Committee supports the imposition of this entity to ensure responsible, accountable, and community-minded economic development incentives and tax breaks are offered by IDAs. If an agency shows itself as predominantly delivering corporate handouts to the detriment of taxpayers, schools, and the public good then elevated supervision and management of the IDA should be required.

Accordingly, the monitor will “provid[e] guidance and technical assistance related to the policies, practices, programs and decisions of the Orange County [IDA], including but not limited to decisions, actions and policies related to contracts and financial assistance agreements.”<sup>11</sup> All “reasonable and necessary expenses” associated with the monitor will be compensated by the

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<sup>10</sup> See 2023-24 Transportation, Economic Development, and Environmental Conservation Article VII Budget Bill (S.4008-C / A.3008-C; Part III at pp. 48-51) (enumerating the responsibilities, expenses, powers, and other provisions related to the monitor, as well as associated requirements of the Orange County IDA).

<sup>11</sup> See id.

Orange County IDA at no taxpayer cost. The monitor will have full access to virtually all meetings and executive sessions of the Agency, as well as prompt – and even advanced notice – of agendas (with the ability to remove items for consideration that were not timely provided beforehand), proposed resolutions and motions, anticipated contract or financial assistance language, and other documents and records of the Orange County IDA.<sup>12</sup>

Most notably, the monitor is empowered to review, advise, and – if necessary – disapprove or mandate the reconsideration of changes to the Orange County IDA’s uniform tax exemption policy, proposed contracts, and financial assistance agreements under consideration for violations of law, deviations from policy, or conflicts of interest.<sup>13</sup> Not only can the monitor prevent conflicted or violative contracts and agreements from being awarded in the first place, it is also doubly authorized to swiftly terminate contracts or financial assistance approved by the Agency if such issues exist. Fittingly, the IDA must also effectuate a detailed conflict of interest policy. Moreover, the monitor can request Board and staff training as appropriate, review the Agency’s annual proposed budget, recommend cost-saving measures, and generally offer ongoing guidance regarding the Orange County IDA’s “goals, implementation of its priorities and budgetary recommendations.” To ensure accountability on both ends, the Agency must provide quarterly and annual operational reports to the monitor and State Inspector General, respectively; the monitor is also required to provide semi-annual reports to state entities on the IDA’s “fiscal and operational status.” The Committee enthusiastically endorses these initiatives, which will also provide notice to other flawed IDAs across the state that unjustified corporate welfare will not be tolerated. Finally, the Committee suggests that the independent monitor should further explore the Milmar

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<sup>12</sup> See id.

<sup>13</sup> See id.

Foods project and that appropriate law enforcement officials take action if any evidence of possible criminal acts is discovered.

#### **IV. CONCLUSION**

As previously mentioned, the Committee acknowledges the need for smart public incentivization of worthy private projects. New York should meaningfully compete to keep its current businesses within the state, attract new industries, promote job opportunities, and ensure the economic health of our communities. However, the Committee takes a strong position that attempts to help a community's economy should not come at the expense of the individual taxpayer, schools, or municipalities. The truth behind an applicant's claims and an agency's analysis of returns on investment (including accurate depictions of job retention and growth) should be fully explored and investigated. While the Committee is not calling for a moratorium on IDA tax breaks and public assistance, much more scrutiny and due diligence should be evident when determining whether a project is not likely to proceed without such benefits.

## **V. APPENDIX**

1 – Steuben County IDA “But For” Project Justifications

2 – Orange County IDA “But For” Project Justifications

3 – Orange County IDA, Planning Board, and Other Documents Related to Milmar Foods

# STEUBEN COUNTY IDA

INDUSTRIAL DEVELOPMENT AGENCY

MAKING CONNECTIONS  
CREATING SOLUTIONS

May 17, 2023

Senator James Skoufis  
Chair, Committee on Investigation and Government Operations  
Room 815  
Legislative Office Building  
Albany, NY 12247

Senator Skoufis,

Please find our responses to your follow-up request for information from the Steuben County Industrial Development Agency.

Steuben County sits adjacent to Pennsylvania's northern border along New York's Southern Tier. Rich in culture, art and scenic beauty, the County has a storied history. However, our County regularly ranks behind most counties in New York State in many economic indicators. Currently we are 10<sup>th</sup> in total population loss, 51<sup>st</sup> in median income, and 41<sup>st</sup> in unemployment.

We take our mission of promoting job opportunities and economically sound commerce in Steuben County very seriously and work closely with our business partners, communities, elected officials and school districts to assure our development efforts support sound growth while inducing economic growth. This is done by developing an understanding of each and every project and its needs to help create a supportive economic environment.

Staff meet with each of our projects prior to and throughout the application process to gain a thorough understanding of the project and the impacts of the incentives being offered. This information is reflected in the application and measured against the Agency's Project Evaluation Criteria and Project Evaluation Matrix (Exhibit A).

A cover sheet with the project details, qualifying criteria for approval and overview of the cost benefit analysis is prepared and included with the application package along with all of the support materials for each project. Once the application package and supporting materials are developed, these items are presented to the Agency's Governance Committee for review and recommended action. If the applicant is deemed complete, then it is advanced to the full board for consideration.

Throughout this process, staff and the project are working with the impacted community to confirm the necessary site plan and environmental reviews have been completed. If required, the necessary environmental reviews performed and accepted by the impacted municipality are then accepted by the Agency as part of the formal approval process. On rare occasions the Agency will perform its own environmental review but only when the community asks, or the project impacts multiple municipalities at which point all the impacted communities are notified as an involved agency.

## Item 1

The following provides a detailed overview for each project in question and addresses the information requested.

### ***Red Lilac Properties, LLC (Manufacturing and Automation Systems), Exhibit B***

- A. In 2016 the company requested financial assistance to expand from leased office space and bring manufacturing services in house from a then third-party manufacturer. The project allowed the company to purchase and renovate a long vacant elementary school to expand engineering services and bring manufacturing in house.

In 2018 the IDA began working with the company on a project to renovate the remaining school facility and expand manufacturing space to accommodate anticipated growth. During the application process staff met with the company on site in January of 2019 to confirm past project performance and review the proposed request.

In February of 2019, the company received a financial award from Empire State Development to support the proposed project. This award totaled \$810,000 and the due diligence performed by the State was included in the consideration for IDA assistance.

Following the initial project review in early 2019, staff also met with the company on site in May of that year to reconfirm the project scope and discuss project needs. In addition, the board held a meeting on site in August of 2019 to receive a presentation on the project and tour the facility prior to final approval.

- B. The project became delayed during COVID as the company's customer base shifted. While the company responded to this change the project did not move forward as proposed. No benefits were ever received and in 2021 staff recommended and the board agreed to terminate the incentive proposal.
- C. The IDA annually measures project performance per the Agency's Project Progress Assessment and Employment Verification Policy (Exhibit C). This information is submitted to the PARIS reporting system. Any instances where the company fails to meet or maintain job commitments, staff follows up to determine the reason why this has occurred. This information is compiled into a project performance report which is reviewed and acted on by the board in June of each year.

The IDA does not make a determination on whether jobs projected are new as a result of the project or a result of organic growth. This determination would be highly speculative due to the numerous factors that determine a company's success.

- D. All projects are reviewed based on the agency's Project Evaluation Criteria (Exhibit A). The qualifying criteria are listed on the project cover sheets included with each application. There was no deviation from these guidelines.



The Town of Lindley was engaged in this project as lead agency for the environmental review in 2016 and was preparing to serve as lead agent for the expansion request. All of the taxing jurisdictions were notified of the project and scheduled public hearing as part of standard protocol for project approval.

- E. No additional review was warranted or requested by the board.

***Automated Cells & Equipment Acquisition LLC, Exhibit D***

- A. The proposed project was a request to transfer remaining IDA benefits granted to Automated Cells and Equipment in 2007. Automated Cells & Equipment LLC was purchasing the assets of the existing company and made a request to transfer remaining benefits from the original project approval and secure a mortgage tax abatement to support the acquisition. The original project goals established in 2007 were to retain 20 jobs and create 14 for a total employment of 40.

At the time this application was made, project employment had reached 60, twenty more than the original 2007 project which the IDA was transferring benefits from. The only additional benefit requested and provided was a mortgage tax abatement in the amount of \$31,000, justified by the additional 20 retained employees being agreed too.

The purchasing company had other facilities outside of the state and indicated that they would proceed with the purchase but without IDA benefits they would not guarantee that employment at the local location would remain the same and future employment opportunities may be considered at another location. After confirmation of these other locations by staff, the Board agreed to transfer the remaining PILOT benefits and grant a one-time mortgage tax abatement to support the retention of 60 jobs and the continued growth of this company in the community.

- B. Due to the fact that this was primarily a transfer of an existing benefit to a new owner there was no consideration to limit the existing benefits. When the transfer was requested, the project surpassed its original performance goals by 20 employees. The additional mortgage tax benefit was justified based on the company's investment to purchase the business and maintaining 60 employees in Steuben County.
- C. The IDA annually measures project performance per the Agency's Project Progress Assessment and Employment Verification Policy (Exhibit C). This information is submitted to the PARIS reporting system. Any instances where the company fails to meet or maintain job commitments, staff follows up to determine the reason why this has occurred. This information is compiled into a project performance report which is reviewed and acted on by the board in June of each year.

The IDA does not make a determination on whether jobs projected are new as a result of the project or a result of organic growth. This determination would be highly speculative due to the numerous factors that determine a company's success.

- D. All projects are reviewed based on the agency's Project Evaluation Criteria (Exhibit A). The qualifying criteria are listed on the project cover sheets included with each application. There was no deviation from these guidelines.

No formal review was required by the Town of Erwin however the Town was engaged in this project throughout the discussions.

- E. No additional review was warranted or requested by the board.

### **B&H PILOT Extension, Exhibit E**

- A. The B&H Railroad requested an eight-year extension of their current PILOT on a section of track leased from Norfolk Southern rail which connects with the IDA owned short line railroad. Without this leased segment of track, customers along the agency owned short line would no longer be able to utilize rail service.

The request to extend the PILOT was to align the payments with a new lease on this section of the rail line. The reason for the request was because the railroad can only utilize asset depreciation on capital improvements through the life of a lease rather than the common practice of through the service life of the asset. Rail assets can endure much longer than 10 years, based on industry standards. Unlike other railroads who own their rail line assets, this inequitable provision in the GAAP rules on railroad accounting leaves small lessee railroads like the B&H at a disadvantage. They cannot optimize net income nor realize the tax benefit of long-term depreciation when terms are significantly less than the service life of the asset improvement.

In June of 2020, the railroad participated virtually in an IDA board meeting to present the request and discuss the reasons why this was necessary for continued operations. The board did request a copy of the Norfolk Southern/Conrail lease agreement in advance of this meeting to confirm the lease terms.

- B. After discussions, the board did approve an extension request that did not reduce the payment amount but rather fixed the payment in order to stabilize the railroad's financial model as described above. The estimated savings projected in the PILOT was an estimate of future tax increases not a reduction of existing payments. There were no other benefits provided.
- C. The IDA annually measures project performance per the Agency's Project Progress Assessment and Employment Verification Policy (Exhibit C). This information is submitted to the PARIS reporting system. Any instances where the company fails to meet or maintain job commitments, staff follows up to determine the reason why this has occurred. This information is compiled into a project performance report which is reviewed and acted on by the board in June of each year.

The IDA does not make a determination on whether jobs projected are new as a result of the project or a result of organic growth. This determination would be highly speculative due to the numerous factors that determine a company's success.

- D. All projects are reviewed based on the agency's Project Evaluation Criteria (Exhibit A). The qualifying criteria are listed on the project cover sheets included with each application. There was no deviation from these guidelines.

Because of Federal Preemption no further review or notification for environmental impact is required so there was no additional municipal notification however all of the impacted taxing entities received notification of the project through the Agency's normal notification process.

- E. No additional review was warranted or requested by the board.

#### ***Storflex Solutions, Exhibit F***

- A. Storflex Solutions requested IDA assistance for a major expansion of their manufacturing presence in Steuben County. The expansion would create a manufacturing center of excellence in Steuben County including a \$34 million expansion and the creation of 50 new jobs. In order to establish the new manufacturing center of excellence the company would purchase and renovate a long vacant building. Historically the company has entered into short term leases at an aged building in the community. Because of this, the company has always been considered a high risk for relocation out of State. While the company would continue to utilize the leased space, this investment into real estate would be the first time the company would own its own property and would expand administration and the company's store shelving division within the new space.

IDA staff began working with the company in June of 2022 to help them identify a location, the company settled on a facility which had been vacant for over seven years. The facility would require major renovations to accommodate the project and in August the company engaged Empire State Development to secure \$3.1 million in assistance to support the project.

The company indicated that without State and IDA assistance they would make a partial investment in their leased NY operation but would position investment toward the Midwest for the expanded facilities and employment growth. The Midwest was targeted because this is where the company's customer base is located.

Working with ESD, a thorough financial review was done of the company and its financial status. An overview of this work was included in the IDA application to the board and was used by the board to help determine financial need for the project. In addition, the company participated in the November 2022 board meeting to present the project to the IDA board and answer any questions regarding the company and proposed project.

- B. After reviewing the submitted documentation and receiving a board presentation the decision was made to grant IDA incentives as presented to secure the growth of the business in Steuben County. This project has not closed yet pending purchase of the real estate.

- C. The IDA annually measures project performance per the Agency's Project Progress Assessment and Employment Verification Policy (Exhibit C). This information is submitted to the PARIS reporting system. Any instances where the company fails to meet or maintain job commitments, staff follows up to determine the reason why this has occurred. This information is compiled into a project performance report which is reviewed and acted on by the board in June of each year.

The IDA does not make a determination on whether jobs projected are new as a result of the project or a result of organic growth. This determination would be highly speculative due to the numerous factors that determine a company's success.

- D. All projects are reviewed based on the agency's Project Evaluation Criteria (Exhibit A). The qualifying criteria are listed on the project cover sheets included with each application. There was no deviation from these guidelines.

The Town of Erwin was engaged in this project as lead agency for the environmental review and all of the taxing jurisdictions were notified of the project and scheduled public hearing as part of standard protocol for project approval.

- E. No additional review was warranted or requested by the board.

#### ***Finger Lakes Enviro-Tech, Exhibit G***

- A. The company recently purchased a long vacant property in a planned industrial park to expand their environmental response and cleanup operation. IDA assistance was requested to support this growing operation. The parcel location consists of approximately 12 acres and (1) 25,000 sq ft industrial warehouse. The warehouse building was already being retrofitted at the time of application to better serve the company for accessibility and functionality.

In a second phase, investments will be made in the addition of repair/maintenance bays with truck lifts, equipment, etc. to keep repairs and maintenance in-house. In addition, T&R's emergency services division will be expanded with more dedicated equipment, vehicles, and resources to respond to spill and hazmat situations in Western NY. The company is also planning a comprehensive administrative building to centralize all administrative operations. It is the 2<sup>nd</sup> phase of the project that the IDA considered incenting.

Staff met with the company in January of 2023 and learned that without IDA assistance the company would continue to invest in the existing warehouse but at a slower pace which would also delay the construction of the administrative building. To support the rapid expansion opportunity presented, the board approved the reduced incentive proposal of sales tax only.

- B. After meeting with the company and reviewing the various incentives, the board approved a reduced incentive of sales tax only to support the rapid expansion of the project. Without an

IDA PILOT, the company is seeking the 485b property tax exemption on the new administrative building.

- C. The IDA annually measures project performance per the Agency's Project Progress Assessment and Employment Verification Policy (Exhibit C). This information is submitted to the PARIS reporting system. Any instances where the company fails to meet or maintain job commitments, staff follows up to determine the reason why this has occurred. This information is compiled into a project performance report which is reviewed and acted on by the board in June of each year.

The IDA does not make a determination on whether jobs projected are new as a result of the project or a result of organic growth. This determination would be highly speculative due to the numerous factors that determine a company's success.

- D. All projects are reviewed based on the agency's Project Evaluation Criteria (Exhibit A). The qualifying criteria are listed on the project cover sheets included with each application. There was no deviation from these guidelines.

The Town of Erwin was engaged in this project as lead agency for the environmental review and all of the taxing jurisdictions were notified of the project and scheduled public hearing as part of standard protocol for project approval.

- E. No additional review was warranted or requested by the board.

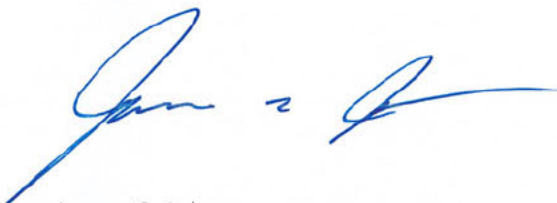
**Item 2**

A third-party cost benefit analysis is performed on each application and is included in the formal application package. Up until 2022 the IDA utilized the Inform Analytics service provided by The Center for Governmental Research (CGR). This service was discontinued at the end of 2021 at which point the IDA contracted with the MRB Group to develop a new analysis tool which is still being utilized.

While all of the cost benefit outputs are included in the individual applications, the CGR input mechanism was web based and is no longer available to the IDA. The MRB tool now being utilized is included as Exhibit H of this response.

Thank you for the opportunity to respond to your request. Should you have additional questions please feel free to contact me at [REDACTED]

Sincerely,



James C. Johnson  
Executive Director

Cc:

Mark Alger, Chair. Steuben County IDA

Scott Van Etten, Steuben County Legislative Chair and IDA Board Member

Christine Sharkey, President Corning Enterprises and IDA Board Member

Dean Strobel, Plant Manager BelGioioso Cheese and IDA Board Member

Tony Russo, Owner Southern Tier Provisions and IDA Board Member

Mike Davidson, Owner Davidson Furniture and IDA Board Member

Michelle Caulfield, Superintendent Corning Paint Post School District and IDA Board Member

Russ Gaenzle, Harris Beach

Thomas O'Mara, NYS Senate 58<sup>th</sup> District

Philip Palmesano, NYS Assembly 132<sup>nd</sup> District

Project Name	Application Date	Can the project be undertaken without financial assistance?	But for question in application pursuant to GML	Answer to GML question
Kraftify - Terminated relationship w/IDA 8/17/20				
McNeilly Wood Products, Inc.	6/12/18	Yes	Page 17: Please confirm by checking the box below will this project move forward without the requested incentives	<p>It is possible the project could be undertaken but not to the same degree these incentives will increase the project's ability to create jobs, promote tourism and sustain a lasting economic impact on OC</p> <p>In December 2018 McNeilly Wood Products, Inc. (MWP) was awarded an Empire State Development grant in the amount of \$705,000.00. This grant award is the catalyst for our 50,000 square foot building project. From our past experience in building projects at MWP (1993 10,000 sq. ft. Building, 2001 6,000 sq. ft. building, 2011 1,300 sq. ft. building) we have learned that the building expense is only one aspect of the overall costs. From underestimating building costs to un-anticipated costs we have found things always cost more than expected! MWP is fiscally conservative. This project is by far our largest expansion to date by more than 200%. The Financial Assistance requested from the OCDA will enable MWP to automate and semi automate current manual functions. Currently the operations at MWP are highly manual and physical. Because of this manual and physical workplace it is extremely hard to obtain and hold onto. Our goal is to both automate the processes as much as possible as well as providing a comfortable and safe work environment. The Financial Assistance provided by the OCDA will help us fulfill our goals!</p>
Orange Inn, LLC	6/12/19	Yes	Page 17: Please confirm by checking the box below will this project move forward without the requested incentives	<p>Though the project in some capacity will be able to move on without financial incentives, it will be brought to its full potential with the incentives. With the help of the IDA, we will be able to employ more people, which will create a better business structure, and allow more money to flow through the building make it nicer, and allowing there to be a bit less risk for a permanent fixture in the Village.</p>
Ctiva Medical, LLC	11/2/20	Yes	Page 17: Please confirm by checking the box below will this project move forward without the requested incentives	<p>While a portion of the project may proceed without the Agency's Financial Assistance, the overall scope of the project would be severely diminished without the incentives sought. More specifically, not receiving Financial Assistance would likely reduce the project size, facility output, overall number of jobs and our ability to spearhead and support meaningful community programs. Conversely, receiving Financial Assistance would increase Ctiva's ability to complete the full scope of the project and help the Company effectively compete with other companies in the adult-use cannabis marketplace, most of whom received similar Financial Assistance from this or other Industrial Development Agencies, for many years to come. In other words, the contemplated incentives would provide both short and long-term benefits to Ctiva. In the short-term, the sales tax exemptions would significantly reduce the overall cost of the project. In the long-term, the PILOT benefit would help reduce the Company's operating expenses. It should also be noted that although Ctiva is exploring a potential sale-leaseback transaction with a Real Estate Investment Trust (REIT), such financing would not cover a large amount of equipment needed to operate the facility. Moreover, REIT financing would not in any way reduce the Company's operating expenses – this could only be done through a PILOT. We are confident that the Agency's Financial Assistance could provide us with the long-term economic sustainability we need to complete the full scope of the project and meaningfully contribute to local economic development efforts.</p>
Milmar/Mack Bros	2/4/22	Yes	Page 18: Please confirm by checking the box below, will this project move forward without the requested incentives	<p>If financial Assistance is not provided by the Agency, not as many jobs will be created in the same time frame. Profitability and positive cash flow will drive job creation, as the timeline of the project will be extended and our ability to add jobs will be limited. Overall, it will take us several years longer to realize the number of new jobs we anticipate adding, if we can reach those numbers at all, without the Agency's assistance</p>
	8/3/22	Yes	Page 18: Please confirm by checking the box below, will this project move forward without the requested incentives	

**LANC & TULLY**  
**ENGINEERING AND SURVEYING, P.C.**

---

**John J. O'Rourke, P.E., Principal**  
**David E. Higgins, P.E., Principal**  
**John Queenan, P.E., Principal**

**Rodney C. Knowlton, L.S., Principal**  
**Jerry A. Woods, L.S., Principal**

**John D. Russo, P.E., Principal**  
**John Lanc, P.E., L.S.**  
**Arthur R. Tully, P.E.**

April 4, 2022

Mr. Lee Bergus, Chairman  
Town of Goshen Planning Board  
P.O. Box 217  
Goshen, NY 10924

RE: Milmar Foods  
Tax Lot Nos. 12-1-13.1 & 12-1-13.2  
Town of Goshen, Orange County, NY

Dear Mr. Bergus and Members of the Planning Board:

Please find enclosed six (6) sets of the following:

- Plans entitled, "Site Plan Prepared for Milmar Foods", dated April 4, 2022
- Full Environmental Assessment form, dated April 4, 2022
- Project Narrative dated March 8, 2022
- Completed Application form
- Completed and signed Owner's Endorsement Form
- Check in the amount of \$3,675.00 for application fee

The above materials are respectfully submitted on behalf of Milmar Foods, Inc. You may recall that a Sketch Site Plan was submitted in 2019 for a new facility on the adjacent property (Tax Lot 12-1-13.1). Since that time, the owner has decided to abandon that plan and instead is seeking to construct additions to the existing food processing facility. The proposed construction/expansion includes a new 20,762 +/- sq.ft. freezer, 11,361 +/- sq.ft. production rooms, 1,276 +/- sq.ft. dry storage, and 6,006 +/- sq.ft. for dock office, boxing room, garbage room and access corridors. The additions are proposed to increase space between employees (the need for which became evident during the Covid pandemic) and improve efficiency within the facility and will enable the owner to eliminate the evening shifts that are currently occurring. These improvements are not expected to create any additional demand on the number of employees, nor the water supply or sewage treatment facility. Construction will also include a new loading dock in the rear of the building, resurfacing all parking and access drives with new pavement, landscaping and aesthetic improvements to the building façade.

The existing facility is served by three parking lots in the front portion of the site. The pavement is cracking and striping is missing in some of the areas and we have determined that 97 vehicles could reasonably be parked in the existing configuration. The proposed front parking lot will be resurfaced with new asphalt and restriped. One of the existing entrances from 6-1/2 Station Road will be eliminated as was previously discussed. Based on the new layout, a total of 127 parking spaces will be provided for the site (including 5 ADA accessible spaces) which is less than the 201



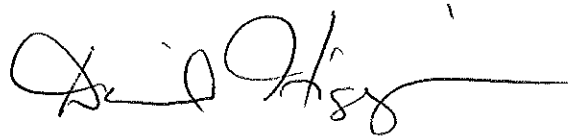
spaces required (based on floor area). It is noted that many of the employees utilize a bus, shuttle vans, or carpool. As the number of employees for the facility is not expected to increase, the applicant is seeking a waiver from the Planning Board for the reduced number of parking spaces provided.

Based upon prior discussion with the Town's consultants, it is understood that an area variance will be needed for construction of the building additions that are within 150 feet of the right-of-way of New York State Route 17M. Our office will be making application to the Zoning Board of Appeals for this variance in the very near future. Our office will also be preparing a Stormwater Pollution Prevention Plan as needed for issuance of a Stormwater SPDES Permit.

On behalf of the applicant we respectfully submit the enclosed documents for your review and look forward to discussing the project with the Planning Board at the next available Planning Board meeting. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

LANC & TULLY, P.C.

A handwritten signature in black ink, appearing to read "David Higgins", with a long horizontal flourish extending to the right.

David Higgins, P.E.

Cc: Roy Makinen w/ encl  
Martin Cybul

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part I is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Milmar Foods Facility Expansion		
Project Location (describe, and attach a general location map): One 6-1/2 Station Rd, Goshen, NY 10924		
Brief Description of Proposed Action (include purpose or need): The subject property is located on 18.722 +/- acres and is currently occupied by a 61,104 +/- sq.ft. food production facility. The project involves the construction of a building addition of 39,405 +/- square feet to the existing food processing and packaging facility. Construction/expansion includes new 20,762 +/- sq.ft. freezer, 11,361 +/- sq.ft. production rooms, 1,276 +/- sq.ft. dry storage, and 6,006 +/- sq.ft. for dock office, boxing room, garbage room and access corridors. The additions are proposed to increase space and improve efficiency within the facility and will enable the owner to eliminate the evening shifts that are currently occurring. The facility is currently served by individual on-site well and on-site sewage treatment facility. There is no expected increase expected in the water demand or flows to the sewage treatment plant. The proposed freezer space will replace the use of an off-site freezer facility. The existing facility has approximately 97 parking spaces located on the east side of the existing building. An additional 26 parking spaces are proposed.		
Name of Applicant/Sponsor: Milmar Food Group LLC	Telephone: (845) 294-5400, ext. 229	E-Mail: roym@milmarfood.com
Address: One 6-1/2 Station Rd		
City/PO: Goshen	State: NY	Zip Code: 10924
Project Contact (if not same as sponsor; give name and title/role): Roy Makinen, Executive Vice President	Telephone: (845) 294-5400, ext. 229	E-Mail: roym@milmarfood.com
Address: One 6-1/2 Station Rd		
City/PO: Goshen	State: NY	Zip Code: 10924
Property Owner (if not same as sponsor): Upstate Estates Corp.	Telephone: (845) 294-5400, ext. 229	E-Mail: roym@milmarfood.com
Address: One 6-1/2 Station Rd		
City/PO: Goshen	State: NY	Zip Code: 10924

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Goshen Planning Board	
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Goshen Zoning Board of Appeals (Area Variance)	
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OC Planning- 239m referral	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC Stormwater SPDES	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACOE- Nationwide Wetlands Disturbance Permit (<0.1 acres dist.)	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part I</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
Commercial/Office Mixed-Use, AQ-6 Aquifer Overlay, Floodplain and Ponding Overlay Districts

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Goshen Central School District

b. What police or other public protection forces serve the project site?  
Town of Goshen Police

c. Which fire protection and emergency medical services serve the project site?  
Goshen Fire District, Goshen Volunteer Ambulance Corps

d. What parks serve the project site?  
None

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 18.722+/- acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ 3.5+/- acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 59.569 +/- acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 65% Units: 39,405+/- Square feet

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ 12 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 8  
 ii. Dimensions (in feet) of largest proposed structure: <35 height; 112 width; and 198 length  
 iii. Approximate extent of building space to be heated or cooled: 67,800 +/- square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: Temp. impoundment of stormwater for water quality treatment  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: Stormwater runoff  
 iii. If other than water, identify the type of impounded/contained liquids and their source. N/A  
 iv. Approximate size of the proposed impoundment. Volume: 0.075 +/- million gallons; surface area: 0.22 +/- acres  
 v. Dimensions of the proposed dam or impounding structure: 1 +/- height; 20 +/- length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Earth Fill

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Fill over existing federal regulated wetlands  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
Approximately 460 sq.ft. of existing federal wetland area is proposed to be disturbed.

---

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: 0.01 +/- Acres
- expected acreage of aquatic vegetation remaining after project completion: 1.79 +/- Acres
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_  
Disturbance areas needed for proposed access drive, parking facilities and/or stormwater treatment
- proposed method of plant removal: Excavation with machinery
- if chemical/herbicide treatment will be used, specify product(s): N/A

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_  
None

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c. Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 35,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_  
On-site well and tanker trucks

vi. If water supply will be from wells (public or private), maximum pumping capacity: unknown gallons/minute.

---

d. Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 29,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
Sanitary wastewater and industrial wastewater associated with food processing

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: On-site treatment facility
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
- Will line extension within an existing district be necessary to serve the project?  Yes  No

 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

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iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):  
Existing on-site wastewater treatment facility and existing subsurface sewage disposal system

---

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
N/A

---

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:
 

- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 0.84 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 18.72 acres (parcel size)
- ii. Describe types of new point sources. Runoff from proposed parking areas, drains from roof of building addition
- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
On-site stormwater management facilities, then to on-site surface waters/wetlands
  - If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
Rio Grande (tributary to Wallkill River)
  - Will stormwater runoff flow to adjacent properties?  Yes  No

---

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

---

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
Heavy equipment, fleet and delivery vehicles
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
Large Boilers and Chillers

---

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_ 20

iii. Parking spaces: Existing \_\_\_\_\_ 97 Proposed \_\_\_\_\_ 123 Net increase/decrease \_\_\_\_\_ 26

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:  
 Existing driveway for parking lot being eliminated

---

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 4.4 MWh

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
 via grid/local utility (Orange & Rockland)

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_ 8:00 a.m. to 7:00 p.m. \_\_\_\_\_
- Saturday: \_\_\_\_\_ 8:00 a.m. to 7:00 p.m. \_\_\_\_\_
- Sunday: \_\_\_\_\_ None \_\_\_\_\_
- Holidays: \_\_\_\_\_ None \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_ 7:00 a.m. to 5:00 p.m. \_\_\_\_\_
- Saturday: \_\_\_\_\_ Closed \_\_\_\_\_
- Sunday: \_\_\_\_\_ Closed \_\_\_\_\_
- Holidays: \_\_\_\_\_ Closed \_\_\_\_\_



m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
Temporary - During hours of construction activities.

---

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
Describe: Minor tree removal for trees within the limit of disturbance.

---

n.. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Wall-mounted lighting fixtures will be utilized for lighting near the building and in access areas.

---

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
Describe: Minor tree removal for trees within the limit of disturbance.

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
\_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally describe proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):  
\_\_\_\_\_  
\_\_\_\_\_

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ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ 100 tons per \_\_\_\_\_ month (unit of time)
- Operation : \_\_\_\_\_ 120 tons per \_\_\_\_\_ month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Recyclable C&D materials shall be separated and picked up for recycling.
- Operation: Recyclable materials shall be separated as per current practices and picked up for recycling.

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iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: C&D materials shall be sent to either Orange County Solid Waste Transfer Station #1 or other local facility accepting C&D waste
- Operation: Solid waste shall be sent to Orange County Solid Waste Transfer Station #1

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

---

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4.48	5.32	+0.84
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	11.04	10.20	-0.84
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	1.36	1.36	0
• Wetlands (freshwater or tidal)	1.80	1.79	-0.01
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): Spill #9006633 (Closed 9/18/90)  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): Spill #9909757 (Closed 11/18/99)  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: N/A  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
9006633 - Spill date 9/17/90, stemming from auto accident 17M & 6 1/2 Station Road - Incident closed 9/18/90  
9909757 - Spill date 11/11/99 unknown source petroleum spill, spill closed 11/18/99

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6.0 feet (per NRCS Web Soil Survey)

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Erie gravelly silt loam	35.3 %
Madalin silt loam	64.7 %
_____	_____ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 0.5-1.5 feet (per NRCS Web Soil Survey)

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained: \_\_\_\_\_ 100 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 98 % of site  
 10-15%: \_\_\_\_\_ 1 % of site  
 15% or greater: \_\_\_\_\_ 1 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Rio Grande; #855.5-194, 855.5-195 Classification C
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters Approximate Size 1.80+/- ac.
- Wetland No. (if regulated by DEC) N/A

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:

i. Name of aquifer: Principal Aquifer

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p>		
Whitetail Deer _____	Gray Squirrel _____	Wild Turkey _____
American Robin _____	House Finch _____	American Crow _____
Common Gartersnake _____	Gray Treefrog _____	Red Salamander _____
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>		
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>		
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>		
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>		
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>		
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>		
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>		
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>		
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input checked="" type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: Orange County Heritage Trail	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Local Parkland	
<i>iii.</i> Distance between project and resource: _____ 0.2+/- miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

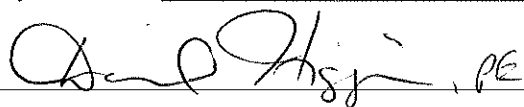
Attach any additional information which may be needed to clarify your project.

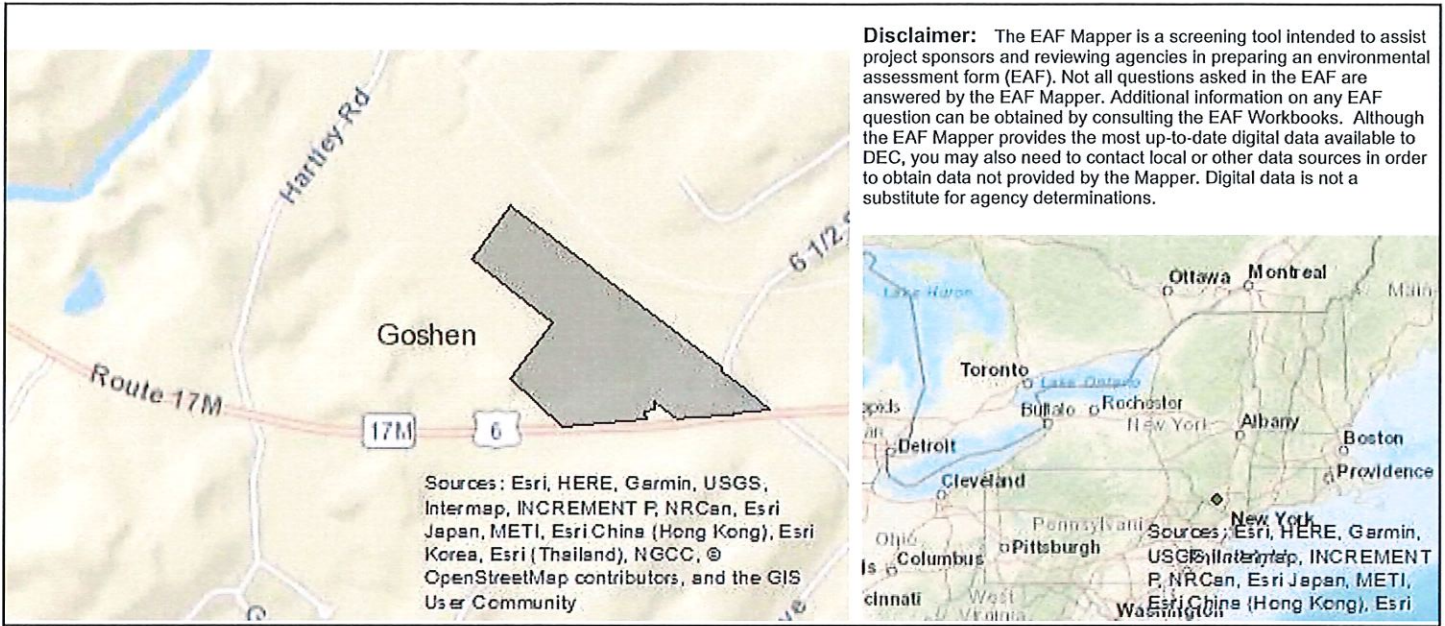
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Milmar Food Group LLC Date APRIL 4, 2022

Signature  Title Project Engineer



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	855.5-194, 855.5-195
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes

E.2.i. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No





One 6½ Station Road, Goshen, New York 10924 • PH: 845-294-5400

March 8, 2022

## **PROJECT NARRATIVE**

Facility: Milmar Foods  
Address: One 6-1/2 Station Road, Goshen, New York 10924  
Tax Lot No. Section 12, Block 1, Lot 13.2  
Acreage: 18.72 +/- acres

Milmar Foods owns and operates the food manufacturing plant located at the intersection of New York State Route 17M and 6-1/2 Station Road. Our plant is a 60,000 square foot state-of-the-art, USDA inspected facility located on a 60 acre parcel. We are proud to say that we employ more than 200 people and have been operating at the current site since 2000.

We manufacture and distribute frozen foods, crepes, blintzes, and prepared entrées in the United States. Our products also include appetizers/hors d'oeuvres, food products, meats/poultry and purees. Our clientele includes Costco, BJ's, food service, retail, club, private label, and airline markets.

In order to keep the plant current and improve efficiency, we are undertaking a plan to construct additional dry storage and freezer space. We currently utilize an existing freezer facility located out of state that is under a two year lease. We are seeking to build a new 22,000 square foot freezer which will enable us to eliminate an off-site distribution facility located in New Jersey. We are also seeking approval for construction of approximately 18,643 square feet of additional dry storage and food production areas. Some existing portions of the building will be demolished and/or modified to accommodate the additions.

The production shift runs from 7:00 a.m. to 5:00 p.m. Monday through Friday, as well as a night shift of 15 employees for frankfurters. Upon completion of the proposed building improvements, we plan to move the night shift to the daytime. Our cleaning shift runs from 5:00 p.m. through midnight. The plant is closed on Saturdays, Sundays and holidays. Many of the employees commute to the facility by carpool or by bus. The existing parking lots on the site are at times at or near capacity, and an additional 30 parking spaces are proposed to reduce congestion in the front parking lots and provide a more convenient parking area for employees that operate in the side and rear part of the facility.

We currently use about 25,000 to 30,000 gallons of water per day, of which about 20,000 gpd is supplied through two on-site wells. To meet our needs, about 6,000 gpd is delivered to the site 4 times per week. Our plant is also served by an existing New York State DEC permitted on-site wastewater treatment facility that treats the plant's wastewater and discharges to the Rio Grande.



One 6½ Station Road, Goshen, New York 10924 • PH: 845-294-5400

Although the plant square footage will increase by approximately 39,758 square feet, there is expected to be no increase in the number of employees, water demand or wastewater generated. The additions merely provide much needed space between workers and between work areas, and reduce the trucking and costs associated with transport to the offsite freezer facility in New Jersey. Production will also just be done on days and not during the nighttime.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Martin Hoffman", written over a circular scribble. The signature is written in a cursive style with sharp peaks and valleys.

Martin Hoffman, President

**TOWN OF GOSHEN**  
**BUILDING AND ZONING DEPARTMENT**  
 TOWN HALL, 41 WEBSTER AVENUE  
 GOSHEN, ORANGE COUNTY, NEW YORK 10924  
 TELEPHONE: (845) 294-6430

APPLICANT:

Name: MILMAR FOOD GROUP II LLC  
 Address: ONE 6 1/2 STATION ROAD Goshen NY 10924  
 Telephone: 845 294 5400  
 Date of Application: MARCH 31, 2022

\* For billing purposes, please indicate where all bills should be sent.

OWNER(S)\*:

Name: MARTIN HOFFMAN  
 Address: 364 Pleasant Hill Drive Newby NY 10956  
 Telephone: 845 638-1201

\* All owners of the property shall be listed. If there are more than two owners, attach an additional sheet setting forth their contact information to this application.

GENERAL INFORMATION:

Project Name: \_\_\_\_\_  
 Location: ONE 6 1/2 STATION ROAD Goshen NY 10924

Tax Map Number: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Total Acreage: \_\_\_\_\_ Zoning District(s): \_\_\_\_\_ Overlay District(s): \_\_\_\_\_

CONSULTANTS

Engineer: LANC + TULLY  
 Contact Information: 845 294 3700 DAVID HIGGINS  
 Surveyor: LANC + TULLY  
 Contact Information: 845 294 3700 DAVID HIGGINS  
 Architect: CYBUL + CYBUL  
 Contact Information: 201 224 4100 4/100 MARTIN CYBUL  
 Attorney: \_\_\_\_\_  
 Contact Information: \_\_\_\_\_  
 Wetlands Delineator: \_\_\_\_\_  
 Contact Information: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Contact Information: \_\_\_\_\_

Has the Zoning Board of Appeals granted any variance or special permit concerning this property? \_\_\_\_\_  
 Specify: \_\_\_\_\_  
 Has the Town Board granted any special permit concerning this property? \_\_\_\_\_  
 Specify: \_\_\_\_\_

TYPE OF APPLICATION:

Subdivision:      Sketch      Minor      Major      Number of Lots Proposed: \_\_\_\_\_  
 Site Plan  
 Special Permit  
 Zoning Board of Appeals:      Appeal      Use variance      Area variance      Interpretation

\* For ZBA Applications, attach an additional sheet setting forth the specific relief requested.

For Submission

Ag. Data Statement\*      1 copy of the current deed(s)      Copies of application, plans & EAF as per Building and Zoning Department  
 \* If necessary. See § 97-47(C) - Agricultural Data Statements.

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Copies: \_\_\_\_\_

TOWN OF GOSHEN  
BUILDING AND ZONING DEPARTMENT  
TOWN HALL, 41 WEBSTER AVENUE  
GOSHEN, ORANGE COUNTY, NEW YORK 10924  
TELEPHONE: (845) 294-6430

OWNER'S ENDORSEMENT

STATE OF NEW YORK:

SS:

COUNTY OF ORANGE:

MARTIN HOFFMAN being duly sworn, deposes and says that he/she resides at 364 Pleasant Hill Drive, New City in the County of ROCKLAND, State of NEW YORK and that he/she is (the owner in fee) or CEO (official title) of the MILMAR FOOD GROUP II LLC corporation which is the owner in fee of the premises described in the foregoing application and that he/she has authorized LANC + TULLY to make the foregoing application for subdivision plat approval as described herein and that he/she agrees to be bound by all statements, conditions and representations contained therein as if he/she had so petitioned.

[Signature]  
Owner's Signature

Dated: 3/31/2022

Sworn to before me this 31st day of March, 2022

[Signature]  
Notary Public

ELIZABETH M. RICKER  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01RI6411383  
Qualified in Orange County  
Commission Expires November 16, 2024

SITE INSPECTION AUTHORIZATION

I hereby give permission for the Town of Goshen's municipal agencies and their agents to come upon and inspect these premises with respect to this application for Milmar Food Group, LLC.

Section: 12  
Block: \_\_\_\_\_  
Lot: 1312

Date: 3/31/2022

Applicant's Signature: [Signature]



# OFFICE OF ECONOMIC DEVELOPMENT

**Steven M. Gross, Director**

40 Matthews St, 3<sup>rd</sup> Floor  
Goshen, NY 10924

Phone: (845) 360-0231 - email: [sgross@orangecountygov.com](mailto:sgross@orangecountygov.com)  
[www.orangecountygov.com](http://www.orangecountygov.com)

**Steven M. Neuhaus**  
County Executive

May 11, 2022

United States Department of Agriculture M & P Expansion Program  
1400 Independence Ave., S.W.  
Washington, DC 20250

To Whom it may Concern at the U.S. Department of Agriculture:

I am writing to express Orange County Government's support of MilMar Food Group's grant application to the USDA Meat and Poultry Expansion Program. MilMar is a long-established business in Orange County employing over 300 workers in the food service industry.

MilMar Foods has a proven business model with a goal of expanding their current processing capacity. Should MilMar be successful in receiving this important USDA grant, they have plans to construct a new modern high tech processing facility that will create more than 20 construction jobs. Once completed in 12-18 months, the expanded operations will require additional skilled labor, for which they intend to employ Orange County residents. Additionally, MilMar understands the importance of providing workforce development opportunities and career growth.

MilMar has always been a good community neighbor, often providing food and lending support to our local Veterans Service Agency and our senior citizens through the County Office for the Aging. We have no doubt that MilMar will continue to be good stewards of the community.

Your consideration of this important funding request will provide lasting economic benefits to Orange County and will create new jobs. Again, thank you for your consideration.

Sincerely,

Steven M. Gross  
Director of Economic Development

**LANC & TULLY**  
**ENGINEERING AND SURVEYING, P.C.**

John J. O'Rourke, P.E., Principal  
David E. Higgins, P.E., Principal  
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal  
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal  
John Lenc, P.E., L.S.  
Arthur R. Tully, P.E.

June 14, 2022

Mr. Lee Bergus, Chairman  
Town of Goshen Planning Board  
P.O. Box 217  
Goshen, NY 10924

RE: Milmar Foods  
Tax Lot Nos. 12-1-13.1 & 12-1-13.2  
Town of Goshen, Orange County, NY

Dear Mr. Bergus and Members of the Planning Board:

Please find enclosed the following:

- Eleven (11) sets of plans entitled, "Site Plan Prepared for Milmar Foods", dated April 4, 2022 and revised on June 9, 2022
- Eleven (11) copies of Architectural Renderings prepared by Cybul Cybul Wilhelm Architects, dated June 6, 2022
- Eleven (11) copies Full Environmental Assessment form, dated April 4, 2022 revised June 9, 2022
- Three (3) Completed Agricultural Data Statement
- Eleven (11) copies of the Zoning Analysis dated June 3, 2022
- Eleven (11) copies of the Google Earth Imagery dated September 19, 2019
- Eleven (11) copies Copies of Spill Record from the New York State DEC Database for Spill # 9006633 and Spill #9909757
- Two (2) copies of the Stormwater Pollution Prevention Plan dated June 2, 2022

The above materials are respectfully submitted on behalf of Milmar Foods, Inc. The enclosed Zoning Analysis has been prepared to evaluate the project's conformance with the Town of Goshen Special Permit criteria. As indicated in the analysis, the project does meet the criteria established.

The enclosed Site Plan drawings have been revised to address the comments outlined in the review memo prepared by Sean Hoffman, P.E., dated May 1, 2022. The applicant has also modified the proposed improvements- Production Room "B" (previously shown) has been changed to a test kitchen with two chef offices. The plans and EAF have been revised accordingly.

The following enumerated responses are provided to each comment outlined in Mr. Hoffman's memo:

**1. ZONING**

1.a. No response needed.

1.b. It is understood that a public hearing is required for the project and that the Planning Board will schedule the hearing when they are satisfied with the project application.

1.c. No response needed.

1.d. The enclosed Zoning Analysis outlines the project's conformance with the Special Permit criteria.

1.e.1- The plan has been revised to reflect that the lot is a corner lot with two front yards and two side yards in accordance with §97-40(B). The side yard provided is 66+/- feet which exceeds the minimum 30 feet required.

1.e.2- The plan has been revised to reflect that the lot is a corner lot with two front yards and two side yards in accordance with §97-40(B). The side yard provided is 66+/- feet which exceeds the minimum 30 feet required.

1.e.3- The Bulk Table has been revised to note the frontages along 6-1/2 Station Road and Route 17M.

1.e.4- The Bulk Table has been revised to include a note that outlines the provisions of §97-32(b) of the Town Code. The note also outlines the existing area of encroachment into the 150-foot setback as being 33,752 +/- square feet and the proposed post-development encroachment is 50,125 +/- square feet, which represents an increase of 48.5%. Mapping depicting the areas of encroachment for the existing conditions and the proposed post-development conditions has been provided in the enclosed Zoning Analysis.

1.e.5- The portions of the building that are to be removed have been noted and shown on Sheet 2.

1.e.6- A calculation for the impervious coverage percentage has been added to Sheet 1 and is noted in the Bulk Table. The calculated proposed impervious coverage is 35.7%.

1.e.7- The existing A.G. tanks referenced are above-ground steel storage tanks that are used in the wastewater treatment process. We understand that the tanks are accessory to the primary structure and are permitted to be within the required yard setback.

1.e.8- A typical Gravity Wall Detail has been added onto Sheet 5. The maximum height of the wall is 10 feet and will not be visible from Route 17M because it is located downhill of the highway and is being cut into the existing hill. The wall will not be visible from 6-1/2 Station Road due to the location of the existing and proposed building additions between the two. A rustic split post and rail fence is proposed along the top of the wall for safety purposes. The split rail fence will be partially visible from Route 17M between the existing and proposed vegetation. An 8-foot high chain link fence is also proposed along the perimeter of the property in that area to provide additional screening from the highway and secure the facility.

1.f. The proposed green space has been shown on Sheet 1. The green space has been added to the legend and Note 10 has been added to note that the green space proposed is 48.2 +/- % which exceeds the 30% requirement.

1.g.1- Regarding the placement of the parking lot in front of the building, it is an existing condition and relocation of the parking lot to the rear of the property would be a significant hardship due to the spatial constraints of the property. We respectfully request a waiver of the requirement to have the parking areas behind the building for these reasons.

1.g.2- Architectural Renderings have been provided to depict the view of the facility from four vantage points within the public road right-of-way. Based upon the proposed landscape screening, visibility of the building will be reduced. Options for additional screening to reduce the visibility of roof-top equipment are being considered by the architect and will be discussed in greater detail at the next Planning Board meeting.

1.g.3- The plans have been revised to provide additional landscaping, some of which are evergreen trees and shrubs along Route 17M and near the intersection of Route 17M and 6-1/2 Station Road to screen the facility from public view. These landscape areas will be a continuous green buffer consisting of trees, shrubs, meadow, natural areas and lawns and will not adversely affect the driveway sight distances. There is no existing sidewalk or bike path in the area of the site to connect to. However, a bike rack has been shown near the front entrance on Sheet 3 with a detail on Sheet 5 to provide a place for employees who may ride a bicycle into work.

1.g.4- The plan has been revised to include an 8-foot high chain link fence with evergreen privacy inserts along portions of Route 17M right-of-way line to provide security and screening. The existing chain link fence near the front parking lot has been noted to have evergreen privacy inserts installed on it.

1.g.5- Although it is anticipated that long-term storage of trailers will not be needed in the future, additional landscaping has been provided in the area of the truck driveway entrance at 6-1/2 Station Road to enhance the screening from that area.

1.g.6- As shown on the plan, the middle parking lot entrance will be abandoned and reclaimed for landscaping. The remaining driveways are about 180 feet apart from each other and relocation of either driveway would be a significant hardship on the applicant. A waiver from the requirement to have less than 600 feet between the existing driveways is requested.

1.h. The parking calculations on Sheet 1 has been revised to base the required number of parking spaces on building square footage with the proposed freezer being eliminated from the calculation. The net result is a requirement of 160 spaces. The plan proposes a total of 126 parking spaces, including five ADA accessible spaces. As was discussed during the recent Planning Board meeting, the facility employs about 210 people and many of the employees arrive by employee-run shuttle vans. Typically, six van shuttles are used, each accommodating 15 people for a total of 90 employees arriving by shuttle each day. A review of the Google Earth imagery from Thursday September 19, 2019 reveals that the parking lot was about 90% full, with 80 passenger cars parked and 11 shuttle vans observed in the front parking lots. Although there were trailers in the loading dock and rear areas, there were no passenger cars or shuttle vans in areas other than the existing front parking lots. Although use may vary slightly from day to day, this extent of parking is typical for the facility. There is not expected to be any increase in the number of employees as a result of the project. The plan has been revised to provide for additional parking at the south side of the proposed freezer, and six "Van Shuttle Parking Only" reserved spaces in the front parking lot. A detail for the signage is shown on Sheet 5. A total of 126 parking spaces is proposed and a waiver from the 160 spaces required is requested.

The plans have also been revised to provide for landscaped areas within and around the front parking lots to meet the code requirements. Several of the proposed trees have been changed from deciduous to evergreen trees to provide for vegetative screening in the winter months. A full landscaping plan is provided on Sheet 3.



Regarding the potential need for ADA accessible spaces in the rear of the building, USDA requires that all employees enter the facility at the main entrance in the front of the building. Therefore, all ADA accessible spaces have been located near the front entrance.

## **2. SITE PLAN**

2.a- Sight distances for the existing driveways are provided on Sheet 4 and the provided distances exceed the minimums recommended. No vegetative clearing is needed for the driveway sight distances. Sight distance looking toward the Heritage Trail is limited only by trees located on the east side of 6-1/2 Station Road and without extensive clearing is of little benefit.

2.b- Food production facilities vary, however a review of the Amy's Kitchen traffic impact analysis that was provided to the Town of Goshen indicated that the 650,000 square foot facility had a projected 4 trucks entering and 8 trucks existing in the peak A.M. hour, and a projected 9 trucks entering and 6 trucks exiting in the peak P.M. hour. Scaling the project down to the proposed Milmar facility (approx.. 100,000 sq.ft.) which is about 15% the size of the Amy's Kitchen facility, the trip generation would translate to 1 truck entering and 1 truck exiting in the peak A.M. hour and 1 truck entering and 1 truck exiting in the peak P.M. hour. A value of 20 truck trips previously provided in the EAF is a daily total based upon Milmar's historical usage during peak season. Total truck trips per day for the Milmar facility will likely be less than 10 entering and 10 exiting per day.

2.c- As indicated above, during peak hours it is expected to have one truck entering and one truck exiting. The applicant has advised that this is typical, that the gated entrance to the rear loading dock area is open during business hours so trucks do not usually have to wait to enter. Occasionally, a truck may arrive during the evening shift (which is expected to be eliminated upon project completion) and sufficient area exists before the gate to allow the truck to wait for entry without being in the roadway.

Striping has been added to the plan to delineate parking areas and islands, as well as "stop" lines.

The plan has been revised to include a 30,000 gallon underground water storage tank and 10 foot by 10 foot building for fire protection pumping equipment. These facilities are located north of the proposed loading dock paved access area and will be readily accessible. The plan has also been revised to propose **resurfacing** of the 10-foot wide access drive that runs along the south side of the building. It is our understanding that the architect has discussed the facility with the fire department and they are reviewing it. Four snow storage areas are now shown on the plan to provide designated areas for snow storage.

## **3. UTILITIES**

3.a. According to the New York State DEC issued SPDES Permit (NY 005622), the facility uses 35,000 gpd from a combination of groundwater wells and tanker trucks, and the total wastewater discharge is 29,000 gpd. The 6,000 gpd difference is water lost with 1,000 gpd lost in food production, 4,000 gpd lost from the cooling tower and 1,000 god lost in the boiler. The applicant and their architect has advised that there is no expected change in the water demand or wastewater generation as a result of the proposed improvements.

3.b. No response needed.

3.c.1- The limit of disturbance has been revised and is now shown as 5.00 acres. A Stormwater Pollution Prevention Plan has been prepared and is included with this submission.

3.c.2- Proposed grading and stormwater structures are shown where needed.

#### **4. MISCELLANEOUS**

4.a. At this time, there are no plans for any signage for the business.

4.b. Proposed lighting is shown on Sheet 3. Lighting fixtures are shielded, downward facing, LED fixtures. The fixtures are proposed along the sides of the proposed additions and within the proposed parking lot areas for safety and security. There will be no offsite glare or any light intensity exceeding 0.1 foot candles at the property lines.

4.c. Any solid waste generated onsite is maintained in the proposed roll-off dumpster or compactor located on the north side of the building. The owner contracts with a commercial pest management company who maintains rodent traps and other pests.

4.d. The wetland disturbances have been updated. The two areas of proposed wetland disturbance are 179 sq.ft. and 77 sq.ft. for a total of 256 sq.ft. Note 7 on Sheet 1 has been updated accordingly. Our office will coordinate with the applicant's wetland consultant to provide the Pre-Construction Notification to the U.S. Army Corps of Engineers for coverage under the Nationwide Permit.

4.e. A completed Agricultural Data Statement is included for the Planning Board. As noted, there is one property within the Agricultural District that operates as a farm.

4.f. If a revised Owner's Endorsement is needed, the applicant shall provide one.

4.g. Construction details for the proposed retaining wall have been provided on Sheet 5.

4.h. The ends of the proposed curbs have been labeled on Sheet 2.

#### **5. SEQRA**

5.a. Question D.2.b.iii (liquid wastes) of the EAF has been corrected.

5.b. Question D.2.j (traffic) of the EAF has been revised to reflect the current number of parking spaces proposed and that truck traffic will be less than 20 trucks per day. Additional information for truck traffic is discussed above.

5.c. Question E.1.h.i (NYSDEC Environmental Site Remediation) of the EAF has noted that the two documented spills- Spill #9006633 was closed 9/18/90 and Spill #9909757 was closed 11/18/99. Copies of the Spill Record from the New York State DEC Database are provided with this submission.

5.d. Question E.3. (Archeological) – Our office has submitted the project information to the New York State Historic Preservation Office using the CRIS system. When a formal letter of review is received from that Office, we will forward it to the Planning Board for their records.

On behalf of the applicant we respectfully submit the enclosed documents for your review and look forward to discussing the project with the Planning Board at the next available Planning Board meeting. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

LANC & TULLY, P.C.

A handwritten signature in black ink, appearing to read "David Higgins", with a long horizontal flourish extending to the right.

David Higgins, P.E.

Cc: Roy Makinen w/ encl  
Martin Cybul



*Empowering Businesses. Inspiring Growth.*

# APPLICATION FOR FINANCIAL ASSISTANCE

Mack Bros., Ltd.

---

(Applicant Name)

August 3, 2022

---

(Date of Application)

Orange County IDA  
4 Crotty Lane, Suite 100  
New Windsor, NY 12553  
Phone: 845-234-4192 Fax: 845-220-2228  
[www.ocnyida.com](http://www.ocnyida.com)  
[business@ocnyida.com](mailto:business@ocnyida.com)

Updated July 18, 2022



*Empowering Businesses. Inspiring Growth.*

**OCIDA Board**

**Michael Torelli**  
Chairman

**Dean Tamburri**  
Vice Chairman

**Vincent Odock**  
Secretary

**James Rinaldi**  
Board Member

**Susan Walski**  
Board Member

**OCIDA Staff**

**Bill Fioravanti**  
Chief Executive Officer

**Kelly Reilly**  
Project Manager

**Bousquet Holstein PLLC**  
IDA Legal Counsel

**Harris Beach PLLC**  
IDA Bond Counsel



*Empowering Businesses. Inspiring Growth.*

## **MISSION STATEMENT**

“The mission of the Orange County Industrial Development Agency is to promote economic growth through a program of incentives-based allocations that assist in the construction, equipping and maintenance of specific types of projects and facilities. The IDA works to advance the health, prosperity and economic welfare of our County’s citizens by retaining and creating jobs and attracting new businesses.”



*Empowering Businesses. Inspiring Growth.*

**Index**

The sections below make up the information and documents that must be completed and submitted to the OCIDA for a project application to be considered. Failure to provide the required information may cause a delay in the project being considered in a timely manner.

Section I..... Applicant Information: pg. 5  
..... Financial Information: pg. 10

Section II..... Project Information: pg. 11

Section III..... Financial Assistance Requested: pg. 16

Section IV ..... Employment Plan: pg. 18

Section V ..... Representations by the Applicant: pg. 21

Fill in all blanks, using “none” or “not applicable” or “N/A” where the question does not pertain to the applicant’s project.

Attachments ..... Hold Harmless Agreement: pg. 24  
..... Retail Questionnaire: pg. 27  
..... Fee Schedule: pg. 29  
..... Project Scoring Criteria: pg. 32  
..... Labor Policy: pg. 34



Empowering Businesses. Inspiring Growth.

APPLICATION FOR FINANCIAL ASSISTANCE

**II. APPLICANT INFORMATION**

A) **APPLICANT**

Company Name: Mack Bros., Ltd.

Mailing Address: One 6 1/2 Station Road, Goshen NY 10924

Phone No.: 845-294-5400

Fax No.: 845-294-7073

Fed Id. No.: 26-4086566

Contact Person: Martin Hoffman

Title: President

Contact Phone No.: 845-294-5400

Contact Email: debim@milmarfood.com

IDA Management must be able to reach the Applicant's Contact throughout the duration of the Agreement. Should this information change at any time IDA Management should be notified Immediately. Please initial stating you understand and consent to the above MH

B) **INDIVIDUAL COMPLETING APPLICATION**

Name: Martin Hoffman

Company Name: Mack Bros., Ltd.

Title: President

Address: One 6 1/2 Station Rd, Goshen NY

Phone No.: 845-294-5400 Fax No: 845-294-7073

Email: debim@milmarfood.com



C) APPLICANT'S COUNSEL

Name: John C. Cappello

Address: 158 Orange Avenue Walden, NY 12586

Phone No. 8457782121

Fax No.: 8457755173

Email: jcc@jacobowitz.com

IDA Management must be able to reach the Applicant's Counsel throughout the duration of the Agreement. Should this information change at any time IDA Management should be notified Immediately. Please initial stating you understand and consent to the above mh

D) APPLICANT'S AUDIT CONTACT

Name: Marc Josephson @ Josephson & Josephson, CPA's, P.C

Address: 20 West 55th Street, Suite 3C, NY NY 10019

Phone No.: 212-685-2030

Fax No.: 212-685-2150

Contact Email: mjosephson@jlkcpaspc.com

The IDA is legally required to submit an annual PARIS report to the state that requires information from each project. Applicant participation is **NOT OPTIONAL**. **ALL INFORMATION** must be submitted in a **COMPLETE** and **TIMELY** manner. Failure to comply with this request **WILL RESULT** in a **LOSS/RECAPTURE** of **ALL OR SOME** of your benefits. Please initial stating you understand and consent to the above mh

E) APPLICANT'S GENERAL CONTRACTOR/CONSTRUCTION MANAGER

Name/Contact: Holt Construction

Address: 25 Main Street, Suite 3-1, Goshen NY 10924

Phone No.: 845-735-4054

Fax No.: 845-735-4570

Email: ddepew@holtcc.com

F) Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Name	Office Held	% of Ownership	% of Voting Rights
Martin Hoffman	President/CEO	100	100

\*\*Please attach chart if space provided is not sufficient.

G) Corporate Structure (attach schematic if applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity

Corporation

Date of Incorporation: March 20, 1961  
 State of Incorporation: New York State

Partnership

General \_\_\_\_\_ or Limited \_\_\_\_\_  
 Number of general partners \_\_\_\_\_  
 If applicable, number of limited partners \_\_\_\_\_

Date of formation \_\_\_\_\_  
 Jurisdiction of Formation \_\_\_\_\_

Limited Liability Company/Partnership (number of members \_\_\_\_\_)

Date of organization: \_\_\_\_\_  
 State of Organization: \_\_\_\_\_

Sole Proprietorship

H) If a foreign organization, is the applicant authorized to do business in the State of New York?

Yes or  No

If no, please explain below:

\*\*Please attach narrative if space provided is not sufficient.

I) If any of the above persons, or a group of them, owns more than a 50% interest in the company, list all other organizations which are related to the company by such persons having more than a 50% interest in such organizations.

MILMAR FOOD GROUP II LLC

\*\*Please attach chart if space provided is not sufficient.

J) Is the company related to any other organization by reason of more than 50% common ownership? If so, indicate name of related organization and relationship.

No

\*\*Please attach narrative if space provided is not sufficient.

K) Has the Applicant or any of its affiliated organizations ever received OCIDA benefits?  Yes or  No

If yes, please describe the assisted project below:

\*\*Please attach narrative if space provided is not sufficient.

L) Legal Questions:

1. Is the Company presently the subject of any litigation, or is any litigation threatened, which would have a material adverse effect on the Company's financial condition?

Yes or  No

2. Has the company or any of its affiliates ever been involved in bankruptcy, a creditor's rights or receivership proceeding, or sought protection from creditors?

Yes or  No

3. Has the Company ever settled a debt with a lending institution for less than the full amount outstanding?

Yes or  No

4. Has any senior manager or principal of the Company ever been convicted of any felony or misdemeanor, other than a minor traffic violation, or are any such charges pending?

Yes or  No

5. Has the Company or any of its affiliates, been cited for a violation of federal, State or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or operating practices?

Yes or  No

6. Are there any outstanding judgments or liens pending against the Company other than liens in the normal course of business?

Yes or  No

7. Is the Company delinquent on any New York State, federal or local tax obligations?

Yes or  No

If your answer is "YES" for any of the above questions, please provide an explanation:

\*\*Please attach narrative if space provided is not sufficient.

M) Has the company (or any related corporation or person) made a public offering or private placement of its stock within the last year?  Yes or  No

If yes, please attach offering statement used.

N) Brief description of Company History (formation, growth, transitions, location):

\*\*Please attach narrative if space provided is not sufficient.

Estimated % of sales within the County:

Estimated % of sales outside the County but within NYS:

Estimated % of sales outside NYS but within the U.S.:

Estimated % of sales outside the U.S.:

P) Sales and income projection or a project pro forma for proposed project for the next 3 to 5 years.

1st yr = \$50 M  
2nd yr = \$55 M  
3rd yr = \$60 M

\*\*Please attach chart if space provided is not sufficient

O) Is the applicant (Company) party in compliance with local, state, and federal taxes, workers' protection, and environmental laws?  Yes or  No

If no, please describe below:

\*\*Please attach narrative if space provided is not sufficient

## FINANCIAL INFORMATION OF THE COMPANY

**A. For existing businesses:**

- The Applicant must submit three (3) years of accountant prepared financial statements.
- The Applicant must submit a current Certificate of Good Standing from the Department of State for the business.

**B. For new businesses:**

- The Applicant must submit three (3) years of personal tax returns for the owner(s).
- The Applicant must submit three (3) years of tax returns for the related businesses as well as Certificates of Good Standing from the Department of State.

*The requested Financial Information of the Company is to be kept confidential and is not subject to the Freedom of Information Law (FOIL).*

**II. PROJECT INFORMATION**

A) Project Address: One 6 1/2 Station Road, Goshen NY

Tax Map Number 12-1-13.1 & 12-1-13.2  
(Section/Block/Lot)

Located in City of \_\_\_\_\_

Located in Town of Goshen NY

Located in Village of \_\_\_\_\_

School District of Goshen

B) Are utilities on site?

Water \_\_\_\_\_ Electric X  
Gas X Sanitary/Storm Sewer \_\_\_\_\_

C) Present legal owner of the site Mack Bros.  
If other than from applicant, by what means will the site be acquired for this project?  
\_\_\_\_\_

D) Zoning of Project Site: Current: X Proposed: \_\_\_\_\_

E) Are any variances needed? NO

F) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

G) Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

H) Statement describing project (i.e. land acquisition, construction of manufacturing facility, etc.):

SEE EXHIBIT 5

\*\*Please attach narrative if space provided is not sufficient.

I) Statement describing the impact of incentives on this project, should they be granted:

15 yr property tax abatement will impact by offsetting increased finance costs.

\*\*Please attach narrative if space provided is not sufficient.

## Exhibit 5:: Milmar expansion and renovation

The project entails the following scope of work;

There are multiple additions that will be added to the existing processing facility.

These additions include;

A new refrigerated loading dock that will improve the cold chain compliance of the facility and reduce the loading time of trucks.

Refrigerated refuse area consolidating and securing all refuse from the facility and facilitating recycling.

A new 2,000 pallet Freezer that will eliminate the need for outside storage. The addition of the freezer will significantly reduce truck traffic by eliminating double handling of finished product.

A new processing area that will allow Milmar to automate the processing, freezing, and packaging of major products. This improves the quality and efficiency of manufacturing.

A new area to manufacture Gluten free products. Gluten free items must be segregated from all other processing. This was not possible prior to the modifications.

New production offices, test kitchen, and other ancillary facilities to support increased production and improve quality controls.

A new Non-Kosher processing area that is totally segregated from the Kosher operation. This will allow Milmar to expand their non-kosher processing.

In addition to the noted additions there will be many modifications and renovations to the existing facilities. This work will include but not be limited to improved blast freezing, packaging and boxing, more cold storage for raw products, more and improved processing, more wash areas, additional dry storage, improved ADA compliance, more efficiencies in the operations to reduce energy usage.

All of these modifications will create a state-of-the-art processing facility that will conform to the stringent USDA and Rabbinical regulations. The new changes will reduce traffic, improve cold chain compliance, ensure the security of product, implement automated processing, reduce energy consumption and improve productivity.

J) Statement describing the economic benefit to the surrounding community resulting from this project:

50 job openings over a 36 months working alternate shifts will be the economic benefit to the local area

\*\*Please attach narrative if space provided is not sufficient.

K) Anticipated Date of Operation: Dec 2023

L) Principal use of project upon completion:

- |   |   |                                   |                                      |
|---|---|-----------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> manufacturing | <input checked="" type="checkbox"/> warehousing | <input type="checkbox"/> research | <input type="checkbox"/> offices     |
| <input type="checkbox"/> industrial               | <input type="checkbox"/> recreation             | <input type="checkbox"/> retail   | <input type="checkbox"/> residential |
| <input type="checkbox"/> training                 | <input type="checkbox"/> data process           | <input type="checkbox"/> other    |                                      |



If other, explain: \_\_\_\_\_

M) NAICS Code: 311910

N) Estimated Project Costs, including:

Value of property to be acquired: \$ n/a

Value of improvements: \$ 18 million

Value of equipment to be purchased: \$ \_\_\_\_\_

Estimated cost of engineering/architectural services: \$ 500,000

Other: \$ \_\_\_\_\_

Total Capital Costs: \$ 18.5 M

Project refinancing; estimated amount  
(for refinancing of existing debt only) \$ 0

*Sources of Funds for Project Costs:*

Bank Financing: \$ 10.8 M

Equity (excluding equity that is attributed to grants/tax credits) \$ 500,000

Tax Exempt Bond Issuance (if applicable) \$ 0

Taxable Bond Issuance (if applicable) \$ \_\_\_\_\_

Public Sources (Include sum total of all state and federal grants and tax credits) \$ 7.2 M



Project Data

1. Project site (land)

(a) Indicate approximate size (in acres or square feet) of project site.

60 acres

---

(b) Are there buildings now on the project site?  Yes  No

(c) Indicate the present use of the project site.

Frozen Food Manufacturing Facility

---

(d) Indicate relationship to present user of project.

same

---

2. Does the project involve acquisition of an existing building or buildings?  
If yes, indicate number, size and approximate age of buildings:

No

---

3. Does the project consist of the construction of a new building or buildings?  
If yes, indicate number and size of new buildings:

Demo 5000 SF of existing 60,000 sf bldg; add one-story 40,000 SF

---

4. Does the project consist of additions and/or renovations to existing buildings?  
If yes, indicate nature of expansion and/or renovation:

New bldg will be attached and broken down into larger rooms

---

5. Estimated Start Date of Construction: 10-2022

6. Estimated End Date of Construction: 12-2023

7. What will the building or buildings to be acquired, constructed or expanded be used for by the company?  
(Include description of products to be manufactured, assembled or processed, and services to be rendered...)

Frozen food manufacturing

---

. . .including the percentage of building(s) to be used for office space and an estimate of the percentage of the functions to be performed at such office not related to the day-to-day operations of the facilities being financed.)

2.5% / 1000 SF

---

8. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

N/A

9. List principal items or categories of equipment to be acquired as part of the project.

In-line spiral freezer, counting machine, bagging machine, carton sealing, USDA washing mahine

10. Has construction work on this project begun?  Yes or  No

Complete the following

(a) site clearance	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	% complete
(b) foundation	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	% complete
(c) footings	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	% complete
(d) steel	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	% complete
(e) masonry work	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	% complete
(f) other (describe below)	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	% complete

**III. FINANCIAL ASSISTANCE REQUESTED**

A) Benefits Requested:

- Sales Tax Exemption     Tax-Exempt/ Taxable Revenue Bond
- Mortgage Recording Tax Exemption     Real Property Tax Agreement

B.) Value of Incentives:

IDA PILOT Benefit: Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted under the heading "Real Property Tax Benefit (Detailed)" of the Application.

Sales and Use Tax:

Estimated value of Sales Tax exemption for facility construction:  
\$ 6.0 M X .08125 = \$ 487,500

(Amount of Project Cost Subject to Tax X Sales Tax Rate = Total)

Estimated Sales Tax exemption for fixtures and equipment:  
\$ \_\_\_\_\_ X .08125 = \$ 0

(Amount of Project Cost Subject to Tax X Sales Tax Rate = Total)

Estimated duration of Sales Tax exemption: October 2022 - December 2022  
*\*\*Should coincide with construction timeline.*

Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage: \$ 10 M

Estimated value of Mortgage Recording Tax exemption:

\$ 10M X .0075 = \$ 75,000

(Projected Amount of Mortgage X Mortgage Recording Tax = Total)

Tax-Exempt/ Taxable Revenue Bond Benefit:

Amount of Bonds, if requested: \$ 0

Is a purchaser for the Bonds in place?

Yes or  No

Percentage of Project Costs financed from Public Sector sources:

Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above under the heading "Estimated Project Costs" (Section II(I)) of the Application.

C.) Likelihood of Undertaking Project without Receiving Financial Assistance

Please confirm by checking the box below, will this project move forward without the requested incentives?

Yes or  No

If the Project will be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be given economic incentives by the Agency:

See attachment. EXHIBIT 6

EXHIBIT 6 OCIDA MILMAR/ MACK BROS

Page18 C

If financial Assistance is not provided by the Agency, not as many jobs will be created in the same time frame. Profitability and positive cash flow will drive job creation, as the timeline of the project will be extended and our ability to add jobs will be limited. Overall, it will take us several years longer to realize the number of new jobs we anticipate adding, if we can reach those numbers at all, without the Agency's assistance

**IV. EMPLOYMENT PLAN**

**A) Current Employee Headcount:**

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	300	300	50	50
Part Time (PTE)	-			
Total	300	300	50	50

Full-time Employee Definition: (i) a full-time, permanent, private-sector employee on the Company’s payroll, who has worked at the Project Location for a minimum of 35 hours per week for more than six months of a year and who is entitled to receive the usual and customary fringe benefits extended by Recipient to other employees with comparable rank and duties; or (ii) two part-time, permanent, private sector employees on Recipient’s payroll, who have worked at the Project Location for a combined minimum of 35 hours per week for more than six months of a year and who are entitled to receive the usual and customary fringe benefits extended by Recipient to other employees with comparable rank and duties.

\*\*For the purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. The Labor Market Area includes Orange County and the surrounding region (or six other contiguous counties, including Orange County, chosen at the Agency’s discretion).

**B) Salary and Fringe Benefits for Jobs to be Created:**

Category of Jobs to be Created	Number of Jobs Year 1	Number of Jobs Year 2	Number of Jobs Year 3	Average Salary or Salary Range	Average Fringe Benefit or Range of Fringe Benefits
Management	2	1	0	195,000	20%
Professional	2	1	0	120,000	20%
Administrative					
Sales					
Production/ Manufacturing	19	15	10	35,000	20%
Independent Contractor					
Other (specify)					



If there is a salary range larger than \$20,000 in a category above, please provide additional breakdown information below:

Everyone. Skilled trained food employess, Quality Assurance, Butchers for raw boneless meat & chicken

\*\*Please attach breakdown if space provided is not sufficient.

**C) Salary and Fringe Benefits for Jobs to be Retained:**

Category of Jobs to be Retained	Current Number of Jobs	Average Salary or Salary Range	Average Fringe Benefit or Range of Fringe Benefits
Management	2	195,000	20%
Professional	2	120,000	20%
Administrative	25	60,000	20%
Sales	8	100,000	20%
Production/ Manufacturing	263	35,000	20%
Independent Contractor			
Other (specify)			

If there is a salary range larger than \$20,000 in a category above please provide additional breakdown information below:

All employees

\*\*Please attach breakdown if space provided is not sufficient.

D) Please attach a projected hiring plan if conducted on a monthly time frame and not conducted on an annual basis as broken down in the charts above.

E) Describe the benefits or benefits package offered to employees:

Vacation 1-4 weeks, Holidays 14 days, Sick time 5 days, Health and Welfare insurance

\*\*Please attach narrative if space provided is not sufficient.

F) Describe internal training and advancement opportunities offered to employees:

USDA and SQF (Safe Quality Foods)

\*\*Please attach narrative if space provided is not sufficient.

## V. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (PublicLaw 97-300) ("JPTA") in which the project is located.
- B. First Consideration for Employment In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Fillings In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site. The applicant will receive a request for information in the fourth quarter of each year that Financial Assistance is utilized and agrees to return the information by the end of January the following year.
- F. Compliance with N.Y. GML Sec. 862(1): 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 agency. (1) No funds of the agency 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 agency 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.
- G. Compliance with Applicable Laws: 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.
- H. False and Misleading Information: 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 Agency's involvement the Project.

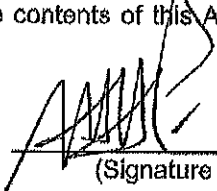
- I. Recapture: Should the Applicant not expend, hire as presented, or violates Sales Tax Exemption regulations, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Rescission of Benefits Conferred: Applicant understands and agrees that in the event that (a) the Applicant does not proceed to final Agency approval within six (6) months of the date the Agency adopts its initial approval resolution and/or (b) close with the Agency on the requested financial assistance within twelve (12) months of the date the Agency adopts its initial resolution, the Agency reserves its right to rescind and cancel all prior approvals. In the event the Agency rescinds its approvals and the Applicant re-applies to the Agency, the Applicant understands and agrees that its re-application will be subject to any and all changes in law, Agency policies or fees imposed by the Agency that are in effect as of the date of re-application.
- K. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:
- L. Freedom of Information Law (FOIL): The applicant acknowledges that the OCIDA 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.

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents 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.


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

Martin Hoffman, being first duly sworn, deposes and says:

- 1. That I am the President (Corporate Office) of Mack Bros., Ltd. (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
- 2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
this 4 day of August, 2022

  
(Notary Public)

DEBORAH MANFREDONIA  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MA6116082  
23 Qualified in Orange County  
My Commission Expires: 9-2024

**SUPPLEMENT TO OCIDA APPLICATION**

**I. 1.** In accordance with N.Y. GML Sec. 862(1):

Will the Project primarily consist of retail facilities as defined in Section 862(2)(a) of the GML?

Yes  No

If yes, will the cost of these facilities exceed one-third of the total Project cost?

Yes  No

**2.** Is the project located in a distressed Census Tract?

Yes  No

**3.** Is the Project site designated as an Empire Zone?

Yes  No

**4.** Will any other companies or related facilities within the state close or be subjected to reduced activity as a result of this Project? If so please list the town and county of the location(s):

Yes  No

**5.** Will the completion of the Project result in the removal of a plant or facility of the Applicant from one area of the State New York to another area of the State of New York?

Yes  No

**6.** Will the completion of the Project result in the abandonment of one or more plants or facilities of the Applicant located in the State of New York?

Yes  No

**i.** If any answer to questions 1, 2 or 3 above is yes, is the Project reasonably necessary to discourage the Applicant from removing such other plant or facility to a location outside the State of New York?

Yes  No

**ii.** If any answer to questions 1, 2 or 3 above is yes, is the Project reasonably necessary to preserve the competitive position of the Applicant in its respective industry?

Yes  No

II. 1. State the sources reasonably anticipated for the acquisition, construction, and/or renovation of the Project:

Amount of capital the Applicant has invested to date:	0
Amount of capital Applicant intends to invest in the Project through completion:	\$ 18.5 m
Total amount of <b>public</b> sector source funds allocated/awarded to the Project:	\$ 11.3 m
Amount of the Project to be financed from <b>private</b> sector sources:	\$ 7.2 m
<b>Total Project Sources*</b> *This \$ should match the total Project Costs above.	\$18.5 m

2. Public Sector Sources:

Identify each public sector source of funding:	Amount of Public Sector Funding*
USDA	\$ 3.6 m
Empire State Development	\$ 3.6 m

\*The total amount of public sector funding should equal the public sector amount listed in (II)(1) above.

III. Financial Assistance sought (estimated values):

Applicants requesting exemptions and/or abatements from OCIDA must provide the estimated value of the savings they anticipate receiving. New York State regulations require OCIDA to recapture any benefit that exceeds the amount listed in this application.

1. Is the Applicant expecting that the financing of the Project will be secured by one or more mortgages:  Yes  No

If yes, list amount requested and name of lender:

GNCU \$10 M

2. Is the Applicant expecting to be appointed agent of the Agency for purposes of abating payments of NYS Sales and Use Tax?  Yes  No

If yes, what is the TOTAL amount of purchases subject to exemption based on taxable Project costs?

\$ 6 million

3. Is the Applicant requesting a payment in lieu of tax agreement (PILOT) for the purpose of a real property tax abatement?  Yes  No

If yes, identify from the Agency's UTEP the category of PILOT requested:

15 year manufacturing sector

4. Is the Applicant requesting any real property tax abatement that is **inconsistent** with the Agency's UTEP?  Yes  No

*If yes, please contact the Executive Director prior to submission of this Application.*

C. Amount of Exemption/Abatement Requested:


<input checked="" type="checkbox"/>	Real Property Tax Abatement (PILOT)	TBA
<input checked="" type="checkbox"/>	Mortgage Recording Tax Exemption**	\$ 75,000
<input checked="" type="checkbox"/>	Sales and Use Tax Exemption (\$4% Local, 4.125% State of total amount listed above in III(2))	\$ 487,500
<input type="checkbox"/>	Tax Exempt Bond Financing (Amount Requested)	
<input type="checkbox"/>	Taxable Bond Financing (Amount Requested)	

\*\*To calculate the value of this exemption take 1.05% of the mortgage amount from III(1) above to get the "mortgage recording tax" and then multiply the mortgage recording tax figure by 70%. You will receive an exemption equal to 70% of the mortgage recording tax.


## REPRESENTATIONS & AFFIRMATIONS BY THE APPLICANT

I hereby represent and warrant that I am [the CEO of the company/applicant] or [a person authorized to bind the company/applicant] and make the following representations and/or warranties and understand and agrees with the Orange County Industrial Development Agency (the "Agency" or "OCIDA") as follows:

**A. Jobs Listings:** Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity of the service delivery area created by the Workforce Investment Act ("WIA") in which the Project is located.

initial 


**B. First Consideration for Employment:** In accordance with §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 Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the WIA for new employment opportunities created as a result of the Project.

initial 


**C. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will 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 within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the Project in its respective industry.

initial 


**D. Annual Sales Tax Filings:** In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors.

initial 

**E. Annual Employment Reports and Outstanding Bonds:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency on an annual basis, reports regarding the number of FTE at this Project site. The Applicant also understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the Project that is requested by the Comptroller of the State of New York.

initial 


**F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Appendix B.

initial 

**G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

initial 

**H. False or Misleading Information:** The Applicant understands and agrees that the submission of knowingly false or knowingly misleading information in this Application may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the Project.

initial 

**I. GML Compliance:** The Applicant certifies that, as of the date of the Application, the proposed project is in substantial compliance with all provisions of NYS General Municipal Law Article 18-A, including but not limited to Sections 859-a and 862(1).

initial 



J. OCIDA's Policies: The Applicant is familiar with all of OCIDA's policies posted on its website [https://www.ocnyida.com] and agrees to comply with all applicable policies.

initial mh

K. Disclosure: Article 6 of the Public Officers Law declares that all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant feels that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, the Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officers Law, if requested, OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents. The Applicant understands that the Applicant must identify in writing to OCIDA any information it deems proprietary or personal and seeks to have redacted and the rationale therefore.

initial mh

L. Reliance: THE APPLICANT ACKNOWLEDGES THAT ALL ESTIMATES OF PROJECTED FINANCIAL IMPACTS, VALUE OF FINANCIAL ASSISTANCE REQUESTED, AND OTHER INFORMATION CONTAINED IN THIS APPLICATION WILL BE RELIED UPON BY OCIDA AND ANY CHANGES IN SUCH INFORMATION MUST BE MADE IN WRITING AND MAY IMPACT THE GRANT OF FINANCIAL ASSISTANCE TO THE PROJECT.

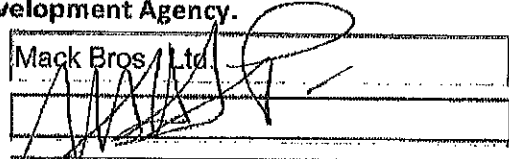
initial mh

**I am the CEO or a person authorized to bind the company/applicant, and have read the foregoing and agree to comply with all the terms and conditions contained therein as well as the policies of the Orange County Industrial Development Agency.**

Name of Applicant Company

Mack Bros. Ltd.

Signature of Officer or Authorized Representative



Name & Title of Officer or Authorized Representative

Martin Hoffman

Date

8-4-2022

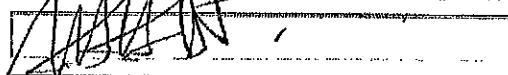
**VI. HOLD HARMLESS AGREEMENT**

Applicant hereby releases the Orange County Industrial Development Agency and the members, officers, servants, agents and employees thereof (collectively the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency'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 Agency, (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 Agency or the Applicant are unable to reach final agreement with respect to the Project, or the inability of the Applicant, for any reason, to proceed with the Project, then, and in the event, upon presentation of an Invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of or in connection with the Application, including attorney's fees, if any.

Name of Applicant Company

Mack Bros. Ltd.

Signature of CEO or a person authorized to bind the company/applicant



Name & Title of Officer or Authorized Representative

President

Date

8-4-2022

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION  
**APPENDIX A**  
**CONFLICT OF INTEREST STATEMENT**

Agency Board Members

1. **Mike Torelli**
2. **Dean Tamburri**
3. **Vincent Odock**
4. **James Rinaldi**
5. **Susan Walski**

Agency Officers/Staff

1. Bill Fioravanti
2. Kelly Reilly

Agency Legal Counsel

1. Bousquet Holstein, PLLC
2. Harris Beach, PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Signature:

Authorized Representative:

Title:

Date:

ORANGE COUNTY INDUSTRIAL DEVELOPMENT

AGENCY APPLICATION

VERIFICATION

STATE OF New York )  
 ) SS.:  
COUNTY OF Orange )

Martin Hoffman, deposes and says that s/he is the  
(Name of Individual)  
President of Mack Bros., Ltd.  
(Title) (Applicant Name)

that s/he is the CEO or a person authorized to bind the company/applicant, and has personally completed and read the foregoing Application, which includes and incorporates the Supplement and all attachments and exhibits, and knows the contents thereof and that the same is true, accurate, and complete to the best of her/his knowledge, as subscribed and affirmed under the penalties of perjury. The grounds of deponent's beliefs relative to all matters in the said Application which are not stated upon her/his own personal knowledge are investigations which the deponent has caused to be made concerning the subject matter of the Application as well as, if applicable, information acquired by deponent in the course of her/his duties/responsibilities for the Applicant and from the books and papers of the Applicant. The deponent also acknowledges the receipt of the schedules attached to the Application, including but not limited to the Agency's fee schedule and assumes responsibility for payment of any and all applicable fees as described therein. Deponent further acknowledges review and understanding of the Agency's published policies, including but not limited to the Agency's Recapture Policy, and agrees on behalf of the Applicant to be bound by and comply with, all such policies.

[Signature]  
Applicant Representative's Signature  
President  
Title

Subscribed and sworn to before me this  
4 day of August, 2022

[Signature]  
Notary Public

DEBORAH MANFREDONIA  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MA6116082  
Qualified in Orange County  
My Commission Expires: 9-30-2024

This Application should be submitted to:

Orange County Industrial Development Agency  
c/o Michael Torelli, Chairman  
4 Crotty Lane, Suite 100  
New Windsor, NY 12553.

The Agency will collect an administrative fee at the time of closing.  
**SEE ATTACHED FEE SCHEDULE**

Transaction Counsel  
SUSAN R. KATZOFF  
Bousquet Holstein LLC  
110 West Fayette Street  
One Lincoln Center, Suite 1000  
Syracuse, New York 13202-1190  
Tel: 315.701.6303  
Fax: 315.410.1557



Empowering Businesses. Inspiring Growth.

**HOLD HARMLESS AGREEMENT**

Applicant hereby releases the ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency'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 Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including 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 Agency 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 Agency, its agents or assigns, all costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.

[Signature]  
(Applicant Signature)  
By: Martin Hoffman  
Name: Mack Bros, Ltd  
Title: President

[Signature]  
(Notary Public)

Sworn to before me this 4<sup>th</sup> day [stamp]  
of August, 2022



One 6½ Station Road, Goshen, New York 10924 • PH: 845-294-5400

September 7, 2022

Lee Bergus, Planning Board Chairman  
Town of Goshen  
41 Webster Ave  
Goshen, NY 10924

SEP 08 2022

Dear Mr. Bergus,

First and foremost, thank you for the time you have extended to us in overseeing the needed expansion project at MilMar Food Group II, LLC (“MilMar”).

I hope we can rectify a situation that has come to our attention relative to job creation as a result of our planned expansion.

In January 2022 MilMar applied for an expansion project in the town of Goshen and at that time we anticipated a normal employee growth rate. We had hoped to expand work space for existing employees, add automation, and to create more freezer capacity. In adding freezer capacity, we would be moving our freezer storage from its current location in Rockaway, NJ to Goshen, NY. The immediate result of the expansion would create a better work environment for existing employees, as well as a potential for new hires with more sophistication to handle automation.

Currently we have 300 employees – the majority of which are full time permanent status. More than half of our employees have been with MilMar for a decade or more. We expect to move existing employees to accommodate additional work to be done on an existing second shift.

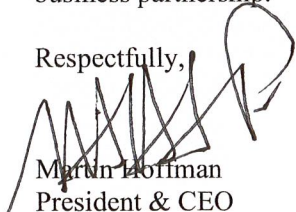
In May 2022, MilMar met with and presented an application for Orange County IDA benefits. This application was heavily focused on job creation. MilMar has always had an impressive employee growth model because of our production schedule – it is not unusual for our company to increase employees between 16 to 20 full time employees per year. At the time that I was meeting with the planning board, I did not think that this number was significant enough to mention.

I sincerely apologize for any confusion. I should have let you know that we were going to increase employees as we have done since the beginning of our time here in Goshen.

MilMar has been a true partner in Goshen and has been a major employer for over 3 decades – since 1989. We have achieved our growth despite not having benefits from the Orange County IDA. We could have used those benefits then. We are counting on them now for these new projects.

I will be at the planning board meeting on September 15<sup>th</sup>, but I thought you should have this letter in advance. We are incredibly excited to be making this continued investment in Goshen. I look forward to a long and mutually beneficial business partnership.

Respectfully,



Martin Hoffman  
President & CEO

MH/rho

**LANC & TULLY**  
**ENGINEERING AND SURVEYING, P.C.**

John J. O'Rourke, P.E., Principal  
David E. Higgins, P.E., Principal  
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal  
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal  
John Lenc, P.E., L.S.  
Arthur R. Tully, P.E.

October 12, 2022

Mr. Lee Bergus, Chairman  
Town of Goshen Planning Board  
P.O. Box 217  
Goshen, NY 10924

RE: Milmar Foods  
Tax Lot Nos. 12-1-13.1 & 12-1-13.2  
Town of Goshen, Orange County, NY

Dear Mr. Bergus and Members of the Planning Board:

Please find enclosed six (6) sets of the following:

- Plans entitled, "Site Plan Prepared for Milmar Foods", dated April 4, 2022 and last revised on October 12, 2022
- Evaluation of Additional 45 Employees for Milmar Foods, dated October 12, 2022

The above materials are respectfully submitted on behalf of Milmar Foods, Inc. as was discussed during the September 15, 2022 Planning Board meeting. The evaluation addresses the potential impact of 45 additional employees to the facility in terms of traffic, parking, sewer and water supply. The evaluation includes a breakdown of the weekly number of employees working at the facility in 2019 (the last year prior to the Covid pandemic) and the weekly numbers through the first 23 weeks of 2022. As shown in the evaluation, the number of employees working week to week vary significantly. According to the owner, this is due to a variety of reasons including national and religious holidays (which limits the production of kosher foods), but mainly is due to changes in customer orders and production schedules that need to be met. In 2019, the average number of employees was 352. Through the first 23 weeks of 2022, the average was 239 employees. Although more thoroughly discussed in the evaluation, the introduction of 45 new employees would still be well below the average previously experienced prior to the downturn in production experienced due to the Covid pandemic.

With regards to the Site Plan, there have been some revisions made to address prior discussions. The plan now shows a total of 162 parking spaces with 27 spaces being "banked". The location of the banked parking has been modified to place the parking closer to the front entrance. Also, the relocation of the existing nitrogen tank has been shown with the new location being in a landscaped, curbed island in the vicinity of the loading dock area. The tank will be protected by bollards and a fence.

Lastly, the 8-foot high fence that was previously shown along the western property line has been removed, as it would have required a variance.

On behalf of the applicant, we respectfully submit the enclosed documents for your review and look forward to discussing the project with the Planning Board at the next available Planning Board meeting. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

LANC & TULLY, P.C.

A handwritten signature in black ink, appearing to read "David Higgins", with a long horizontal flourish extending to the right.

David Higgins, P.E.

ec: Roy Makinen w/ encl  
Martin Cybul  
Sean Hoffman, P.E.  
Kelly Naughton, P.E.  
Frank Leva, Building Inspector



## Impact of Additional 45 Employees for Milmar Foods

October 12, 2022

During the initial submission of this project, the applicant reported that there was not expected to be any change in the number of employees at the Milmar facility resulting from the proposed facility expansion and improvements. The applicant has now indicated that they expect there to be an increase of about 45 employees over the next three years. This was discussed during the September 15, 2022 Planning Board meeting and this office was requested to prepare an evaluation of the impacts that these additional employees may have on the traffic generation, required parking facilities, water supply and wastewater treatment/disposal for the facility.

Since that meeting, Milmar Foods has provided this office with a breakdown of the number of employees per week for the Year 2022 (to date) and the Year 2019, the most recent year not impacted by the coronavirus pandemic. The tabulations for the number of employees by week and a graph visually demonstrating the comparison between the two years' data are included. According to the owner, the significant differences in the number of employees from week to week occur due to a variety of reasons, including national and religious holidays (which limits the production of kosher foods), but mainly is due to changes in customer orders and production schedules that need to be met. Over the 52-week span for 2019, there was an average of 352 employees. Thus far, through 2022, there is an average of 239 employees.

Milmar estimates an increase of 15 employees per year over the course of the next 3 years. This would bring the average up to 284 employees by the Year 2025. This is 68 fewer than experienced in 2019 and is approximately 81% of the average number that year.

The discussion below evaluates the impact of the increase to 284 employees for the traffic, parking requirements, water supply and wastewater treatment/disposal.

### Impact on Traffic

Based upon ITE Trip Generation and the current number of employees (239 employees), the current facility creates an average of 160.1 vehicle trip ends (VTE's) in the peak morning hour and 729.0 VTE's per day. For the proposed facilities in Year 2025, the employee count is projected to increase to 284 employees. This would result in an estimated 190.3 VTE's for the peak morning hour and 866.2 VTE's per day.

The projected trip generation can also be compared to the estimated trips generated in 2019 when the average employee count was 352 employees. Using 352 employees, the 2019 trip generation would be 235.8 VTE's in the peak morning hour and 1,073.6 VTE's per day. The 2025 projected generation would be 45.6 fewer VTE's in the peak morning hour and 207.4 fewer VTE's per day than the conditions in 2019 prior to the coronavirus pandemic.

## Impact on Parking

The Town of Goshen Zoning Code allows for required parking to be based on the number of employees or upon the square footage of the building. When based on the number of employees, the requirement is one space per employee. For the year 2019, this would result in a total of 352 parking spaces required. As has been discussed with the Planning Board, many of the employees arrive by employee-run shuttle vans. Typically, six van shuttles are used, each accommodating 15 people for a total of 90 employees arriving by shuttle each day. A review of the Google Earth imagery from Thursday September 19, 2019 reveals that the parking lot was about 90% full, with 80 passenger cars parked and 11 shuttle vans observed in the front parking lots. Although there were trailers in the loading dock and rear areas, there were no passenger cars or shuttle vans in areas other than the existing front parking lots. (Additional aerial imagery from Google Earth for dates prior to September 2019 show the parking lot empty or nearly empty and appear to have been taken on weekends or days when the facility was closed. This imagery has not been provided with this report.)

Because the existing parking facilities have historically been able to meet the parking demand, the required parking for the project has been based on the square footage of the building, which is permitted by Town Code. The Code requires 2 parking spaces per 1,000 square feet of building area. Using this criteria, the existing facility (63,166 sq.ft.) requires a total of 127 spaces. For proposed conditions, the total square footage of the facility would increase to 79,747 sq.ft. (the proposed freezer building has been excluded from the calculation, as this facility is unoccupied) and the total number of required parking spaces is 160 spaces. While the proposed improvements include new landscaping in areas of the front parking lots, and there is some reduction in the number of parking spaces there, additional parking areas have been proposed throughout the project site. A total of 135 parking spaces are proposed on the plan, with an additional 27 parking space areas reserved as "banked" parking, which could be paved in the future as the need may arise. Therefore, a total of 162 parking spaces are shown, which exceeds the minimum required by Code.

## Sewer

The existing food processing plant discharges to an existing sewage treatment plant that is covered under a New York State Department of Environmental Conservation issued SPDES Permit. (see attached). According to the permit, the plant is estimated to generate 35,000 gallons per day of flow, with 3,000 gallons per day of sanitary wastewater being diverted to an on-site sewage disposal system. There is estimated to be 1,000 gpd lost to food production and 5,000 gpd lost from the boiler and cooling tower. The industrial sewage treatment plant receives an estimated 26,000 gpd. The industrial plant is operated by H2O Innovations who monitors the plant and provides the monthly operation reports to the DEC.

Milmar has been using Middletown Septic Cleaning to pump the septic tanks for the sanitary waste. Middletown Septic has provided a letter indicating that there are three 1,000 gallon septic tanks that are serviced twice a year and that the tanks are more than adequate to handle the flow from the building. Middletown Septic has serviced the tanks since about 2019. Although the exact location of the subsurface sewage disposal system is unknown, the owner

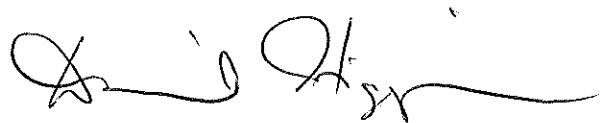
has reported that there have been no visible signs of failure of the septic system anywhere on the property, no leaching of effluent at the ground surface, or odors indicative of septic field failure. Site observations made by Lanc & Tully in September 2022 also found no evidence of septic field failure. As outlined in the comparison of the number of employees above, the modest increase of 45 employees over a three year span is well below the levels experienced in 2019. Based upon this information, it appears that the existing septic system is adequate to handle the increase in the number of employees.

### Water Supply

According to Bruce Weigand, facilities manager for Milmar Foods, water is currently supplied to the facility with three wells which combined typically provide about 25,000 gallons per day. During periods when additional water is needed, typically during the late summer and fall months when orders are being made for the holiday season, water is trucked in using 6,000 gallon tanker trucks. According to Mr. Weigand, in late summer and fall 2019 when there were on average between 300 and 400 employees working, there were typically 3 tanker trucks brought in 5 times per week. So far, in 2022, Milmar has been importing an average of 1 tanker truck per week to supplement the well water supply. (it is noted that when water is trucked in, wells are typically shut down for a period of time while the tanks are drawn upon.)

As the plant is currently operating at an average of 239 employees, an increase of 45 employees over a three-year span will still be significantly below the 352 average number of employees experienced in 2019. The amount of water to be trucked in is expected to be about 12,000 gpd, which is about 6,000 gpd less than what was imported in 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Higgins". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Higgins, P.E.

## ATTACHMENTS

- SUMMARY OF EMPLOYEE NUMBERS- YEAR 2019 AND YEAR 2022 (TO DATE)
- GRAPH OF EMPLOYEE NUMBERS- YEAR 2019 AND YEAR 2022 (TO DATE)
- TRIP GENERATION COMPARISON- YEAR 2025 PROJECT VS. CURRENT CONDITIONS
- TRIP GENERATION COMPARISON- YEAR 2025 PROJECT VS. 2019 CONDITIONS
- GOOGLE EARTH IMAGERY, SEPTEMBER 19, 2019
- SPDES PERMIT
- MIDDLETOWN SEPTIC TANK CLEANING LETTER

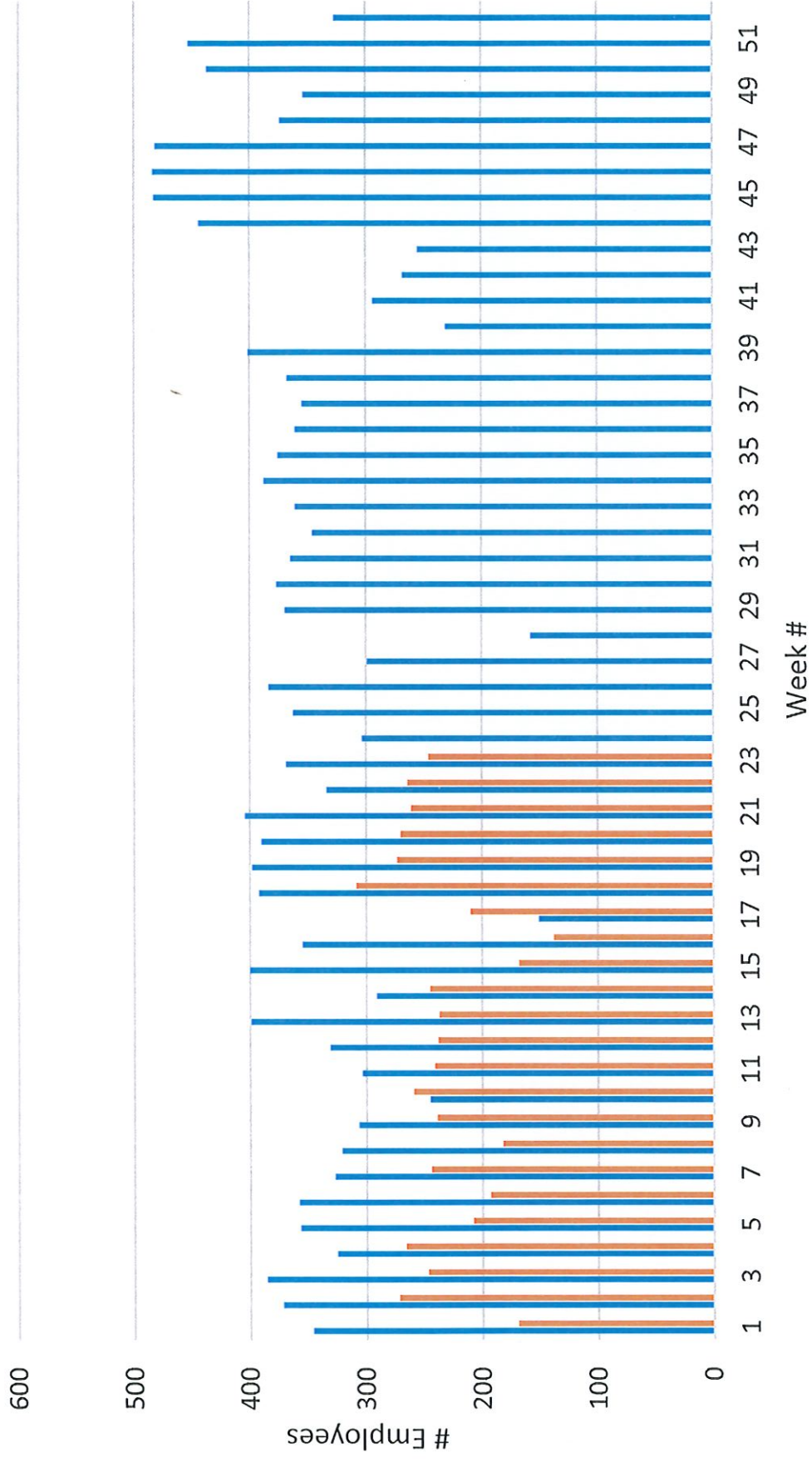
**2019 SUMMARY**

WEEK #	HRS	Employees
1	13796	345
2	14864	372
3	15443	386
4	12984	325
5	14287	357
6	14309	358
7	13070	327
8	12825	321
9	12245	306
10	9804	245
11	12107	303
12	13229	331
13	15962	399
14	11647	291
15	16014	400
16	14217	355
17	6050	151
18	15683	392
19	15931	398
20	15588	390
21	16141	404
22	13372	334
23	14748	369
24	12110	303
25	14518	363
26	15344	384
27	11949	299
28	6315	158
29	14793	370
30	15076	377
31	14612	365
32	13848	346
33	14447	361
34	15540	388
35	15033	376
36	14444	361
37	14190	355
38	14730	368
39	16031	401
40	9221	231
41	11770	294
42	10731	268
43	10214	255
44	17746	444
45	19326	483
46	19360	484
47	19286	482
48	14953	374
49	14166	354
50	17469	437
51	18130	453
52	13,097	327
AVG	14,092	352

**2022 SUMMARY**

WEEK #	HRS	Employees
1	6755	169
2	10864	272
3	9870	247
4	10627	266
5	8323	208
6	7725	193
7	9757	244
8	7265	182
9	9562	239
10	10368	259
11	9628	241
12	9533	238
13	9487	237
14	9804	245
15	6711	168
16	5503	138
17	8391	210
18	12323	308
19	10921	273
20	10817	270
21	10443	261
22	10551	264
23	9824	246

# MILMAR Employee #'s



■ 2019 ■ 2022

**TRIP GENERATION COMPARISON  
YEAR 2025 PROJECTION VS. CURRENT CONDITIONS**

**EXISTING CONDITIONS**

Use #110: General Light Industry		
Trip Generation Manual- 10th Edition		
Average # Employees	239 Employees	
Weekday AM Peak Hour of Generator-	0.67 per 1,000 sq.ft. GFA =	160.1 Vehicle Trip Ends
Weekday Daily	3.05 per 1,000 sq.ft. GFA =	729.0 Vehicle Trip Ends

**PROPOSED CONDITIONS**

Use #110: General Light Industry		
Trip Generation Manual- 10th Edition		
# Employees	284 Employees	
Weekday AM Peak Hour of Generator-	0.67 per 1,000 sq.ft. GFA =	190.3 Vehicle Trip Ends
Weekday Daily	3.05 per 1,000 sq.ft. GFA =	866.2 Vehicle Trip Ends

**TOTALS**

<b>PEAK HOUR GENERATOR (PM)</b>		
EXISTING	160.1 Vehicle Trip Ends	
PROPOSED	190.3 Vehicle Trip Ends	
DIFFERENCE	<hr style="border-top: 1px solid black;"/> 30.2 Additional Vehicle Trip Ends	
 <b>WEEKDAY</b>		
EXISTING	729.0 Vehicle Trip Ends	
PROPOSED	866.2 Vehicle Trip Ends	
DIFFERENCE	<hr style="border-top: 1px solid black;"/> 137.3 Additional Vehicle Trip Ends	

**TRIP GENERATION COMPARISON  
YEAR 2025 PROJECT VS. 2019 CONDITIONS**

**2019 CONDITIONS**

Use #110: General Light Industry		
Trip Generation Manual- 10th Edition		
Average # Employees	352 Employees	
Weekday AM Peak Hour of Generator-	0.67 per 1,000 sq.ft. GFA =	235.8 Vehicle Trip Ends
Weekday Daily	3.05 per 1,000 sq.ft. GFA =	1073.6 Vehicle Trip Ends

**PROPOSED CONDITIONS**

Use #110: General Light Industry		
Trip Generation Manual- 10th Edition		
# Employees	284 Employees	
Weekday AM Peak Hour of Generator-	0.67 per 1,000 sq.ft. GFA =	190.3 Vehicle Trip Ends
Weekday Daily	3.05 per 1,000 sq.ft. GFA =	866.2 Vehicle Trip Ends

**TOTALS**

<b>PEAK HOUR GENERATOR (PM)</b>		
EXISTING	235.8 Vehicle Trip Ends	
PROPOSED	190.3 Vehicle Trip Ends	
DIFFERENCE	<hr style="width: 100%; border: 0.5px solid black;"/> 45.6 Fewer Vehicle Trip Ends	
 <b>WEEKDAY</b>		
EXISTING	1073.6 Vehicle Trip Ends	
PROPOSED	866.2 Vehicle Trip Ends	
DIFFERENCE	<hr style="width: 100%; border: 0.5px solid black;"/> 207.4 Fewer Vehicle Trip Ends	

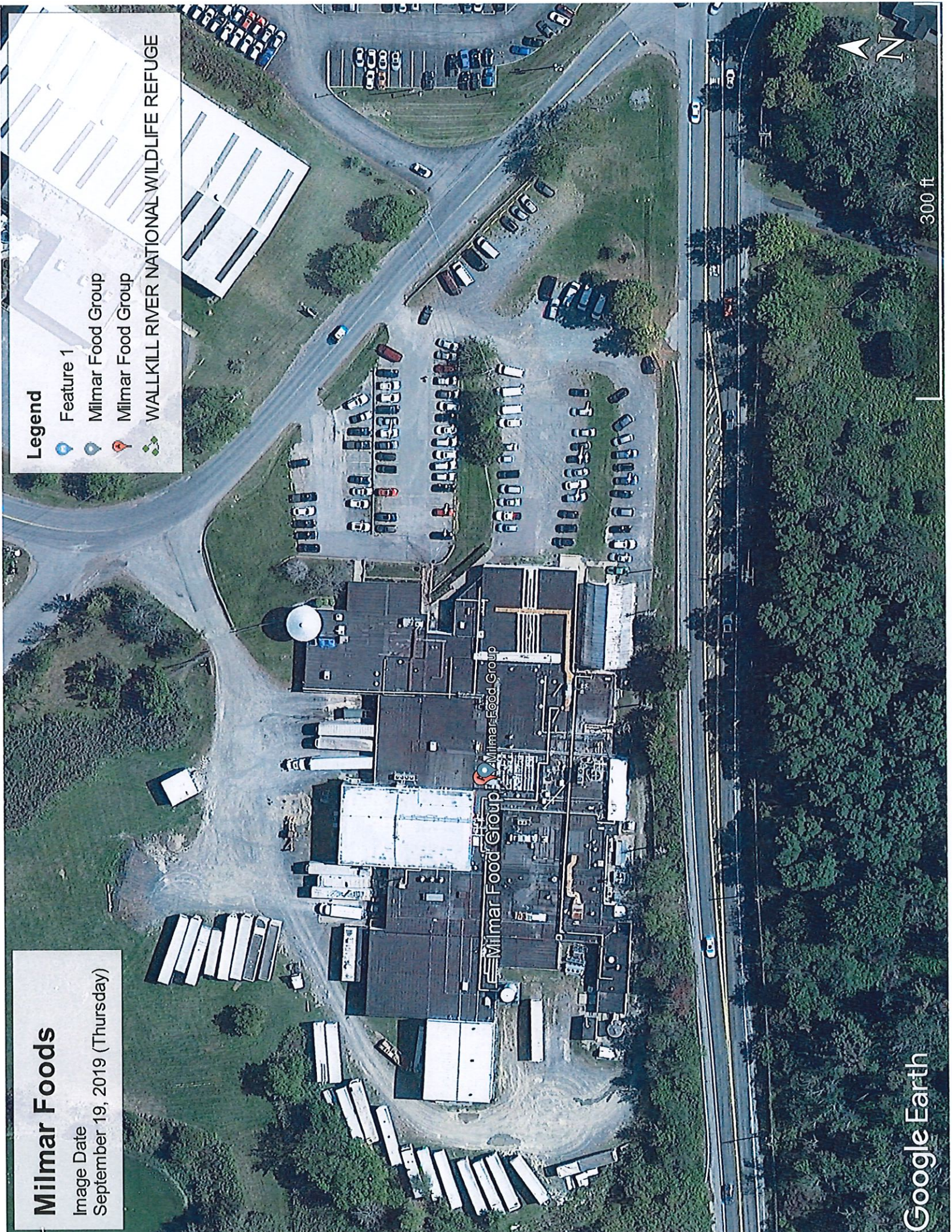


# Milmar Foods

Image Date  
September 19, 2019 (Thursday)

## Legend

- Feature 1
- Milmar Food Group
- Milmar Food Group
- WALLKILL RIVER NATIONAL WILDLIFE REFUGE



**New York State Department of Environmental Conservation**

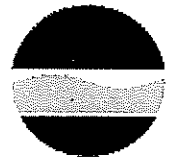
**Division of Environmental Permits**

NYSDEC HEADQUARTERS

625 BROADWAY

ALBANY, NY 12233

(518) 402-9167



**SPDES PERMIT RENEWAL**

8/27/2020

**MILMAR FOOD GROUP LLC  
1 6 1/2 STATION RD  
GOSHEN NY 10924**

**Permittee Name: MILMAR FOOD GROUP LLC  
Facility Name: MACK BROTHERS  
Ind. Code: 2011 County: ORANGE  
DEC ID: 3-3330-00028/00002 SPDES No.: NY0005622  
Permit Effective Date: 9/2/2020  
Permit Expiration Date: 8/31/2025**

Dear Permittee,

The State Pollutant Elimination System (SPDES) permit renewal for the facility referenced above is approved with the new effective and expiration dates. This letter together with the previous valid permit for this facility effective on 10/01/2015 and any subsequent modifications constitute authorization to discharge wastewater in accordance with all terms, conditions and limitations specified in the previously issued permit(s).

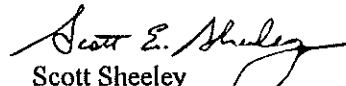
As a reminder, SPDES permits are renewed at a central location in Albany in order to make the process more efficient. All other concerns with your permit, including applications for permit modification or transfer to a new owner, a name change, and other questions, should be directed to:

Regional Permit Administrator  
NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY 12561  
(845) 256-3041

If you have already filed an application for modification of your permit, it will be processed separately by that office.

If you have questions concerning this permit renewal, please contact Michael R Schaefer at (518) 402-9167.

Sincerely,

  
Scott Sheeley  
Permit Administrator

CC:  
RPA  
BWC

RWE  
File

BWP  
EPA



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**State Pollutant Discharge Elimination System (SPDES)**  
**DISCHARGE PERMIT**

Industrial Code: 2038  
 Discharge Class (CL): 01  
 Toxic Class (TX): N  
 Major Drainage Basin: 13  
 Sub Drainage Basin: 06  
 Water Index Number: H-139-13-53  
 Compact Area:

SPDES Number: NY0005622  
 DEC Number: 3-3330-00028/00003  
 Effective Date (EDP): 10/01/2010  
 Expiration Date (ExDP): 09/30/2015  
 Modification Dates:(EDPM)

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

**PERMITTEE NAME AND ADDRESS**

Name: Milmar Food Group LLC  
 Street: One 6 1/2 Station Rd.  
 City: Goshen

Attention: President, Martin Hoffman

State: NY Zip Code: 10924

is authorized to discharge from the facility described below:

**FACILITY NAME AND ADDRESS**

Name: Mack Brothers  
 Location (C,T,V): Town of Goshen  
 Facility Address: One 6 1/2 Station Rd.  
 City: Goshen

County: Orange

State: NY Zip Code: 10924

NYTM -E: From Outfall No.: 001 at Latitude: 41 ° 21 " 04 ' & Longitude: 74 ° 21 " 35 '  
 into receiving waters known as: Rio Grande Class: C

and; (list other Outfalls, Receiving Waters & Water Classifications)

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

**DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS**

Mailing Name: JCO, Inc.  
 Street: P.O. Box 616  
 City: Wurtsboro  
 Responsible Official or Agent: Jeffrey J. Rysinger

State: NY Zip Code: 12790  
 Phone: (845) 888-0650

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO BWP - Permit Coordinator  
 RWE  
 RPA  
 NYSDOH District Office

Deputy Chief Permit Administrator: Stuart M. Fox	
Address: Division of Environmental Permits 625 Broadway Albany, NY 12233-1750	
Signature:	Date: 8 / 18 / 10

**PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS**

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING		
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)		
PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE	
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.			
PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based standards, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Type I or Type II Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

**Note 1: DAILY DISCHARGE:** The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day. **DAILY MAX:** The highest allowable daily discharge. **DAILY MIN:** The lowest allowable daily discharge. **MONTHLY AVG (daily avg):** The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. **RANGE:** The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown. **7 DAY ARITHMETIC MEAN (7 day average):** The highest allowable average of daily discharges over a calendar week. **12 MRA (twelve month rolling avg):** The average of the most recent twelve month's monthly averages. **30 DAY GEOMETRIC MEAN (30 d geo mean):** The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. **7 DAY GEOMETRIC MEAN (7 d geo mean):** The highest allowable geometric mean of daily discharges over a calendar week.

**Note 2: ACTION LEVELS:** Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards. **TYPE I:** The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level. **TYPE II:** The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results that show the stated action level exceeded for four of six consecutive samples, or for two of six consecutive samples by 20 % or more, or for any one sample by 50 % or more.

**PERMIT LIMITS, LEVELS AND MONITORING**

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Equipment cleaning, food cleaning, boiler blowdown, and cooling water	Rio Grande	10/01/2010	09/30/2015

PARAMETER	COMPLIANCE LIMIT				UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES
	Daily Min	Daily Max	Monthly Average	Annual Maximum				
Flow			Monitor		GPD	Daily	Instantaneous	
pH (range)	6.5 – 8.5				SU	Daily	Grab	
Dissolved Oxygen	4.0				mg/l	Daily	Grab	
Settleable Solids		0.1			ml/l	Daily	Grab	
Oil and Grease		15			mg/l	Monthly	Grab	
BOD <sub>5</sub> (June 1 – October 31)			27		lbs/day	Twice / month	Grab	(1)
BOD <sub>5</sub> (November 1 – May 31)			41		lbs/day	Twice / month	Grab	(1)
BOD <sub>5</sub> (cumulative)				6188	lbs/year	Monthly	Calculated	
Suspended Solids, Total			24		lbs/day	Twice / month	Grab	(1)
Suspended Solids, Total (cumulative)				6204	lbs/year	Monthly	Calculated	
Nitrogen, Ammonia (as NH <sub>3</sub> ) (June 1 – October 31)			7.5		mg/l	Twice / month	Grab	(2)

**Footnotes:**

- (1) The mass loadings for BOD5 and TSS must be calculated using the daily flow on the day the BOD5/TSS sample is collected. The daily flow should be measured at the same time the BOD5/TSS sample collection is performed.
- (2) An interim limit of monitor only will be in effect until the completion of the sampling program in accordance with the Schedule of Compliance on page 4 of this permit. Upon completion of the sampling program, if it is determined that the existing technology cannot meet the final permit limit of 7.5 mg/l, then a technology based interim limit will be calculated based on the sampling data and will remain in effect until a schedule of compliance to upgrade the treatment system is completed in accordance with the Schedule of Compliance on page 4 of this permit.

**Water Treatment Chemicals (WTCs)**

The use of water treatment chemicals must be approved by the NYSDEC.

**SPECIAL CONDITIONS:**

**DISCHARGE NOTIFICATION REQUIREMENTS**

- *Sign Maintenance:* The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

- *Data Retention:* The permittee shall retain records for a minimum period of 5 years in accordance with 6NYCRR Part 750-1.12(b)(2) and Part 750-2.5(c)(1). These records, which include discharge monitoring reports (DMRs) and annual reports, must be retained at a repository accessible to the public. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be the business office, wastewater treatment plant, village, town, city, or county clerk's office, the local library, or other location approved by the Department.



**Water Treatment Chemicals**

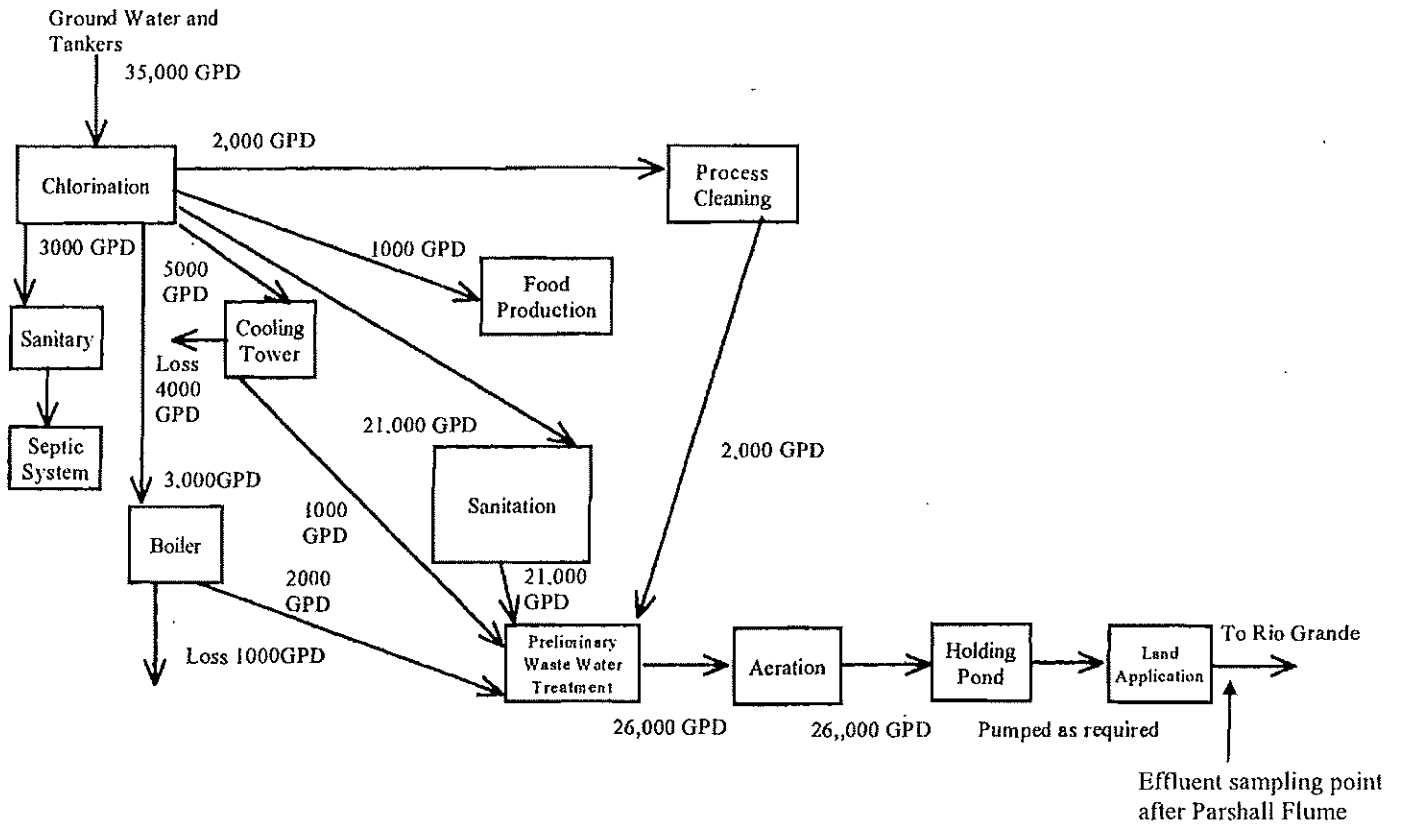
Action Code	Outfall Number(s)	Compliance Action	Due Date
	001	<p>The water treatment chemical forms submitted for BoilerCare 1604 and CoolingCare 8149 are not acceptable. Please submit revised forms which include toxicity information for the whole product and not the specific ingredients. Please also submit WTC forms for any other treatment chemicals that are used such as WCS 10.</p> <p>After review of the results, the Department may reopen the permit to add additional limits or action levels.</p>	October 1, 2010

**The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."**

- b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:
  - 1. A short description of the non-compliance;
  - 2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
  - 3. A description or any factors which tend to explain or mitigate the non-compliance; and
  - 4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.
  
- c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS, unless otherwise specified in this permit or in writing by the Department.

**MONITORING LOCATIONS**

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:





**RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS**

a) The permittee shall also refer to 6 NYCRR Part 750-1.2(a) and 750-2 for additional information concerning monitoring and reporting requirements and conditions.

b) The monitoring information required by this permit shall be summarized, signed and retained for a period of five years from the date of the sampling for subsequent inspection by the Department or its designated agent. Also, monitoring information required by this permit shall be summarized and reported by submitting;

(if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

(if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 and must summarize information for January to December of the previous year in a format acceptable to the Department.

(if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:

Regional Water Engineer and/or  County Health Department or Environmental Control Agency specified below

Send the DMRs with original signatures to:

Department of Environmental Conservation  
 Division of Water  
 Bureau of Water Compliance Programs  
 625 Broadway  
 Albany, New York 12233-3506

Phone: (518) 402-8177

Send a copy of each DMR page to:

Department of Environmental Conservation  
 Regional Water Engineer  
 Division of Water, Region 3  
 100 Hillside Ave., Suite 1W  
 White Plains, NY 10603

Phone: 914-428-2505

Send an additional copy of each DMR page to:

- c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2.
- d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.
- f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.

Middletown Septic Tank Cleaning  
P.O. Box 95  
Bullville, N.Y 10915  
(845) 361-2626

To whom it may concern,

9/20/22

Septic System consists of 3 1,000 gallon tanks. Tanks were pumped on 3/23/22. Tanks are serviced twice a year. Tanks are more the adequate to handle the flow from building. We have serviced the tanks since about 2019.

Thank You,  
*Tammie Van Koppen*  
Tammie Van Koppen  
Secretary for Middletown Septic

# Orange County Industrial Development Agency

## MRB Cost Benefit Calculator

Date: November 7, 2022  
 Project Title: Mack Bros. Ltd / Milmar Food Group  
 Project Location: One 6 1/2 Station Rd. Goshen NY, 10924



### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

#### Project Total Investment

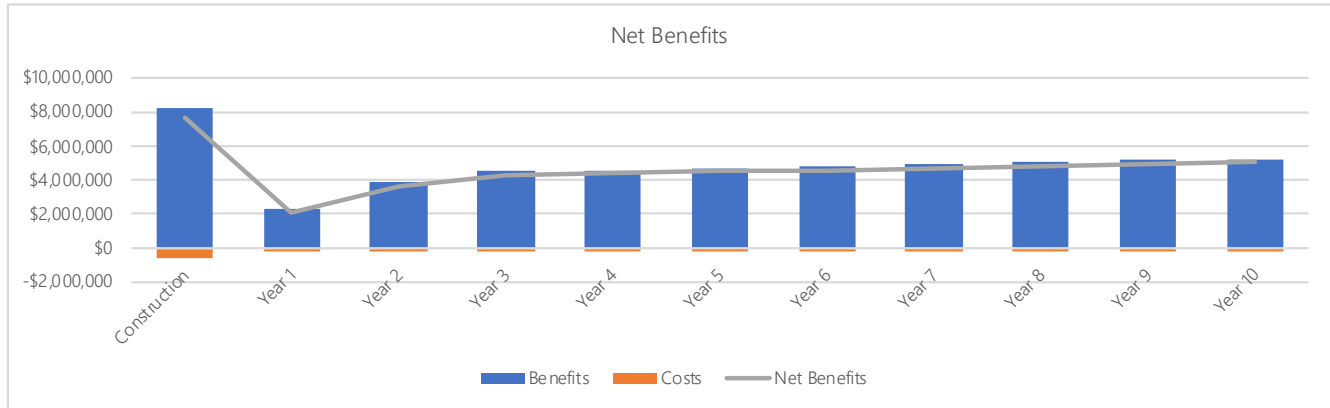
\$18,500,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		70	34	104
Earnings		\$5,760,575	\$2,014,105	\$7,774,681
Local Spend		\$15,725,000	\$6,932,027	\$22,657,027

		Ongoing (Operations)		
		Aggregate over life of the PILOT		
		Direct	Indirect	Total
Jobs		50	29	79
Earnings		\$39,910,624	\$27,726,858	\$67,637,482

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

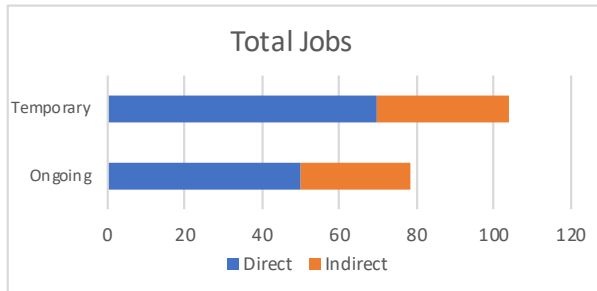
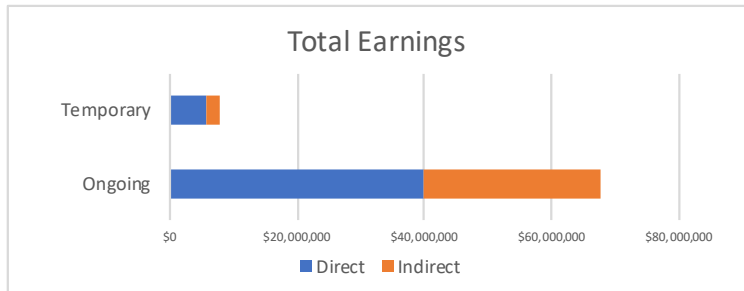


Figure 3



Ongoing earnings are all earnings over the life of the PILOT.

# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$2,462,542	\$2,177,315
Sales Tax Exemption	\$487,500	\$487,500
Local Sales Tax Exemption	\$227,500	\$227,500
State Sales Tax Exemption	\$260,000	\$260,000
Mortgage Recording Tax Exemption	\$75,000	\$75,000
Local Mortgage Recording Tax Exemption	\$25,000	\$25,000
State Mortgage Recording Tax Exemption	\$50,000	\$50,000
<b>Total Costs</b>	<b>\$3,025,042</b>	<b>\$2,739,815</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$77,791,630</b>	<b>\$66,939,871</b>
To Private Individuals	<b>\$75,412,163</b>	<b>\$64,994,361</b>
Temporary Payroll	\$7,774,681	\$7,774,681
Ongoing Payroll	\$67,637,482	\$57,219,680
Other Payments to Private Individuals	\$0	\$0
To the Public	<b>\$2,379,467</b>	<b>\$1,945,510</b>
Increase in Property Tax Revenue	\$1,917,568	\$1,547,419
Temporary Jobs - Sales Tax Revenue	\$47,620	\$47,620
Ongoing Jobs - Sales Tax Revenue	\$414,280	\$350,471
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$3,921,432</b>	<b>\$3,379,707</b>
To the Public	<b>\$3,921,432</b>	<b>\$3,379,707</b>
Temporary Income Tax Revenue	\$349,861	\$349,861
Ongoing Income Tax Revenue	\$3,043,687	\$2,574,886
Temporary Jobs - Sales Tax Revenue	\$54,423	\$54,423
Ongoing Jobs - Sales Tax Revenue	\$473,462	\$400,538
<b>Total Benefits to State &amp; Region</b>	<b>\$81,713,063</b>	<b>\$70,319,577</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$66,939,871	\$2,429,815	28:1
State	\$3,379,707	\$310,000	11:1
<b>Grand Total</b>	<b>\$70,319,577</b>	<b>\$2,739,815</b>	<b>26:1</b>

\*Discounted at 2%

## Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes



One 6½ Station Road, Goshen, New York 10924 • PH: 845-294-5400

May 5, 2023

**Mr. Thomas Scaglione**

Regional Director, Mid-Hudson

Executive Director, Mid-Hudson Regional Economic Development Council

**Empire State Development**

33 Airport Center Drive

New Windsor, New York 12553

Dear Mr. Scaglione

This letter is in response to the recent news story about Milmar's application to the IDA for their project in Goshen, New York.

Milmar currently has a manufacturing plant in Goshen NY and a warehouse and freezer space in Rockaway, New Jersey. The New Jersey space has been used for many years and just recently the owner of that facility communicated to us that they are not renewing our lease. Milmar must be out of the freezer in approximately 9 months. Milmar received overtures from the State of New Jersey to build their plant and freezer there but decided to make a funding application to the ESD regional council to stay in New York. This was done in hopes to keep their dedicated union workforce and make NY our permanent home for years to come. This realignment on the Goshen NY campus makes sense for many reasons but the workforce we have here is dedicated and top notch.

Regarding the IDA application we made, we must build the freezer either here in New York or in New Jersey to keep our business alive. We manufacture frozen food and thus a freezer is a key component to our business, without the freezer we close. When the IDA asked the question if we would build the freezer, we answered yes, but nowhere did it allow us to explain that we will build in the freezer in New Jersey if we don't get the incentives. This unfortunately does not get reported by the newspapers. The State of New Jersey continues to court us and is willing to offer financial support.

To have the manufacturing facility and freezer warehouse space together makes the most sense for our business. It is our hope and desire to have that happen here in Goshen, New York. We request that ESD and the Mid-Hudson REDC fund this priority project development in NY.

Please contact me if you have any questions.

Thank you.  
Regards  
  
Martin Hoffman  
President/CEO

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MACK00071