

RESOLUTION OF APPROVAL
SITE PLAN
FOR
NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL
PROTECTION [DELAWARE AQUEDUCT RONDOUT -WEST
BRANCH TUNNEL REPAIR PROGRAM]

PROJECT # 2011-15

Nature of Application

New York City Department of Environmental Protection [Delaware Aqueduct Rondout -West Branch Tunnel Repair Program] has applied for approval of a Site Plan permitting the use of the property identified herein for construction of an underground water tunnel beneath the Hudson River.

Project Description

The Delaware Aqueduct is critical to the nine million people who rely on the New York City water supply, including New York City and upstate residents. Repairing the Rondout-West Branch portion of the Delaware Aqueduct is required in order to maintain this critical piece of the City's water supply infrastructure. DEP is responsible for ensuring the safe and reliable transmission of drinking water from the watershed to consumers in sufficient quantity to meet all present and future water demands. The RWBT is a critical component of DEP's Delaware water supply system, which provides fifty percent of the City's supply, and is currently leaking, in total, between 10 and 35 million gallons per day in two critical areas in the vicinity of the Wawarsing and Roseton crossings.

Shutting down the Delaware Aqueduct during the bypass tunnel connection and repair of the leak in Wawarsing may require DEP to supplement its water sources, manage demand and make provisions for changes in the distribution system during the shutdown period.

Once ready with all of the necessary provisions for reliable drinking water during the shutdown, DEP will undertake the bypass tunnel connection to the existing Delaware Aqueduct. During the connection period, certain inspections and repairs from within the Rondout-West Branch Tunnel (RWBT) will be made to the remainder of the existing tunnel in areas outside the bypassed section, particularly in those sections located in the Town of Wawarsing, which need repair.

Construction of the bypass tunnel and shaft sites is proposed to begin with construction of the bypass shafts, which will start in 2013 and be complete in 2015. Construction of the bypass tunnel will begin in 2015 and be connected in 2020. It is anticipated that up to 15 months would be needed to complete the bypass connection and to undertake the inspection and repair of the RWBT, expected to occur sometime in 2021.

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Newburgh as parcel(s) 8-1-15.2, 8-1-15.3, 8-1-16, 8-1-17 and 8-1-19.1.

Zoning District

The property affected by this resolution is located in the B and AR zoning districts of the Town of Newburgh.

Plans

The final Site Plan and other materials considered by the Planning Board include the following:

1. Completed application form and Environmental

Assessment Form.

2. A Draft and Final Environmental Impact Statement.
3. The SEQRA Findings Statement issued by the Planning Board.
4. Various memoranda and correspondence from the Planning Board's consultants.
5. Traffic Impact Study
6. Plans prepared for New York City Department of Environmental Protection [Delaware Aqueduct Rondout -West Branch Tunnel Repair Program] as follows:

| Sheet | Name | Architect/Engineer/Consultant | Current Revision Date |
|-------|--|--|-----------------------|
| | Cover Sheet | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Symbols, Notes, and Abbreviations | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Site Key Plan | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Boundary Survey Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Boundary Survey Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Boundary Survey Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Phase 1 – Site Preparation | Department of Environmental Protection | June 20, 2012 |

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| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Phase 2 – Shaft Construction | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Phase 3 – Tunnel Excavation | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Phase 4 – Tunnel Lining | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Phase 5 – Tunnel Connection | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Phase 6 – Post Construction | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Existing Site Plan – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Existing Site Plan – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Existing Site Plan – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Project Development Plan Existing Site Plan – Sheet 4 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Suggested Construction Sequence Erosion & Sediment Control Plan – Sheet 1 | Department of Environmental Protection | June 20, 2012 |

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| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Suggested Construction Sequence Erosion & Sediment Control Plan – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Suggested Construction Sequence Erosion & Sediment Control Plan – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Suggested Construction Sequence Erosion & Sediment Control Plan – Sheet 4 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Site Demolition and Clearing Plan – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Site Demolition and Clearing Plan – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Site Demolition and Clearing Plan – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Site Demolition and Clearing Plan – Sheet 4 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Tree Clearing Plan | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Tree Schedule Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Tree Schedule Sheet 2 | Department of Environmental Protection | June 20, 2012 |

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| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Grading and Drainage Plan – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Grading and Drainage Plan – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Grading and Drainage Plan – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Grading and Drainage Plan – Sheet 4 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B Civil Grading and Drainage Details – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B Civil Grading and Drainage Details – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B Civil Grading and Drainage Details – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B Civil Grading and Drainage Details – Sheet 4 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B Civil Grading and Drainage Details – Sheet 5 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Grading Sections – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Grading Sections – Sheet 2 | Department of Environmental Protection | June 20, 2012 |

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| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Grading Sections – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Horizontal Control and Paving Plan | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Road Profiles – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Road Profiles – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Road Profiles – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Site Entrance Improvements – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Site Entrance Improvements – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Construction Site Fencing and Access Control Plan | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Forcemain – Plan and Profile Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Forcemain – Plan and Profile Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Forcemain – Plan and Profile Sheet 3 | Department of Environmental Protection | June 20, 2012 |

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| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Watermain – Plan and Profile Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Watermain – Plan and Profile Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Watermain – Plan and Profile Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Forcemain/Watermain Details - Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Forcemain/Watermain Details - Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Civil Shaft 5B Forcemain/Watermain Details - Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Paving and Roadway Detail – Sheet 4 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Drainage Details Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Drainage Details Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Drainage Details Sheet 4 | Department of Environmental Protection | June 20, 2012 |

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| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Drainage Details Sheet 5 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Piping Details - Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Piping Details - Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Piping Details - Sheet 4 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Erosion and Sediment Control Notes and Details – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Erosion and Sediment Control Notes and Details – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Erosion and Sediment Control Notes and Details – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Fencing, Security, and Access Details – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Shaft 5B General Civil Fencing, Security, and Access Details – Sheet 2 | Department of Environmental Protection | June 20, 2012 |

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| | RWB Bypass Tunnel Site Plan Application Landscape Shaft 5B Landscaping Symbols Abbreviations & General Notes | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Landscape Shaft 5B Landscaping Symbols Abbreviations & General Notes | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Landscape Shaft 5B Site Landscaping Plan – Sheet 1 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Landscape Shaft 5B Site Landscaping Plan – Sheet 2 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Landscape Shaft 5B Site Landscaping Plan – Sheet 3 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Landscape Shaft 5B Site Landscaping Plan – Sheet 4 | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Landscape Shaft 5B Site Landscaping Details | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Electrical Shaft 5B Electrical Site Plan | Department of Environmental Protection | June 20, 2012 |
| | RWB Bypass Tunnel Site Plan Application Electrical Shaft 5B Lighting Details | Department of Environmental Protection | June 20, 2012 |

History

DATE OF APPLICATION

The application was filed with the Planning Board on July 7, 2011.

PUBLIC HEARING

A SEQRA public hearing on this application was held by the NYC DEP. No additional public hearing on the site plan was held by the planning board.

SEQRA

The DEP issued a Lead Agency Determination, Notice of Positive Declaration and Draft Scope of Work on May 3, 2011 in regard to this Type I action and held public hearings on the Draft Scope of Work on June 7, 2011 and July 14, 2011 in the Town of Wappinger, NY; June 9, 2011 in the Town of Newburgh, NY; and June 14, 2011 in the Town of Wawarsing. The comment period remained open until June 20, 2011. DEP issued a Final Scope of Work that responded to the public comments on August 31, 2011. The Draft EIS was issued on December 20, 2011, and public hearings on the Draft EIS were held on January 23, 2012 in the Town of Newburgh, NY, on; January 24, 2012 in the Town of Wappinger, NY; and on January 25, 2012 in the Town of Wawarsing, NY. The comment period on the Draft Environmental Impact Statement (DEIS) remained open until March 9, 2012. The FEIS issued on May 18, 2012 included a response to public comments on the environmental review

A SEQRA Findings Statement was thereafter issued and was filed with all involved agencies on June 28, 2012.

GML 239 Referral

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

Findings

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

Resolution of Approval

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

Specific Conditions

Implementation of SEQRA Findings

1. All mitigation measures proposed within the EIS or announced within the SEQRA Findings Statement are hereby made conditions of this approval as if those mitigation measures were set forth herein at length.
2. In order to ensure that all mitigation measures contained within the EIS and Findings are performed, the applicant shall enter into an agreement with the Town of Newburgh in which the NYC DEP undertakes full and satisfactory performance of all mitigation measures contained in the EIS and Findings. No construction may commence until such agreement is in place. That agreement shall address, at the very least, the following:
 - The establishment of final well monitoring and blasting protocols and remediation plans.

- The potential establishment of a noise mitigation plan (failing which, a variance will be required).
 - Application of town fees, financial security and inspection fees provided by local code to this project.
 - Application of the New York State Uniform Building Fire Prevention Code to portions of Shaft 5B construction, including above ground storage of compressed gas, fuel explosives and other hazardous materials; blasting; stormwater management.
3. This approval is subject to compliance at all times with the provisions of the Newburgh Town Code regarding lighting and illumination.

Noise Mitigation

4. Unless a variance¹ is issued by the Town of Newburgh Zoning Board of Appeals, there shall be compliance with the provisions of the Newburgh Town Code regarding noise unless, as noted above, the NYC DEP shall have entered into an agreement with the town setting forth particular restrictions and protections applicable to this project.

Traffic

5. Completion of all traffic improvements (both on-site and off-site) shown on the site plan, DEIS, FEIS and SEQRA Findings is hereby made a condition of final approval.
6. The EIS sets forth assumptions as to the likely generation of truck traffic entering and leaving the site, including projections of how many of trips will enter and leave from the north versus the south. Should there be a variation in truck trips from the north versus south projections contained in the EIS of more than 50%, then the NYC DEP shall be required to promptly re-

¹ The possible need for this variance is tied to future construction activities, not to this site plan approval.

port that variation to the town in writing.

Other Agency Approvals

- This approval is subject to and conditioned upon approval by the following agencies, as applicable:

Project 1: Shaft and Bypass Tunnel Construction

| Agency/Entity | Permit/Approval/Consultation/Coordination |
|---|--|
| FEDERAL | |
| Coastal Zone Management Act | Projects affecting New York’s coastal zone must be consistent with the Coastal Zone Management Act, through the New York State Department of State’s Coastal Management Program and approved Local Waterfront Revitalization Plans |
| U.S. Army Corps of Engineers (USACE) | Individual Permit for water main extension dewatering pipeline, and outfall and construction of the bypass tunnel under the Hudson River. |
| United States Fish and Wildlife Service | Consultation under Section 7 of the Endangered Species Act |
| Advisory Council on Historic Preservation | Consultation under Section 106 of the National Historic Preservation Act of 1966 |
| STATE | |
| New York State Department of State (NYSDOS) | Coastal Zone Management Consistency |
| New York State Department of Environmental Conservation (NYSDEC) | State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity - GP-0-10-001 (Erosion and Sediment Control for construction activities) |
| | SPDES Multisector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-06-002) |
| | Individual SPDES Permit or Application Form NY-2C for Industrial Facilities (Shaft dewatering activities requiring discharge to surface water) |
| | Stormwater Pollution Prevention Plan for Stormwater Discharges |
| | Section 401 Water Quality Certification |
| | Protection of Waters Permit for the construction of a dewatering pipeline outfall |
| | Sanitary Wastewater Pump and Haul Approval |
| | Air Facility Registration |
| | Waste Transporter Permit for transport of excavated materials, as necessary |
| | Hazardous Substance Bulk Storage Registration (Chemical Bulk Storage Registration) |
| Petroleum Bulk Storage Facility Registration | |
| Natural Heritage Program Consultation—consultation to determine potential presence of threatened or endangered species listed in New York State | |

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| New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) | Consultation to determine potential presence of archaeological and/or historic resources and determine project's potential effects |
| New York State Office of General Services (OGS) | Permit for use of state-owned land underwater |
| New York State Department of Health (NYSDOH) | State Environmental Review Certification for New York State Revolving Fund Approval of Plans for Public Water Supply Improvement |
| New York State Department of Transportation (NYSDOT) | Special Hauling and Load Overweight Permit |
| | Highway Work Permit |
| | Use and Occupancy Permit |

| Agency/Entity | Permit/Approval/Consultation/Coordination |
|---|--|
| AREA MUNICIPALITIES | |
| <i>New York City</i> | |
| Public Design Commission of New York City | Design Commission Approval |
| <i>Dutchess County</i> | |
| Dutchess County Planning Approval and Public Works Coordination | Highway Work and Traffic Enhancement Permits; General Coordination |
| Dutchess County Health Department | Potable Water Supply |
| Dutchess County Health Department | Sanitary Wastewater Pump and Haul Approval |
| <i>Orange County</i> | |
| Orange County Planning Approval and Public Works Coordination | Highway Work and Traffic Enhancement Permits; General Coordination |
| Orange County Health Department | Potable Water Supply |
| Orange County Health Department | Sanitary Wastewater Pump and Haul Approval |
| <i>Town of Wappinger</i> | |
| Town of Wappinger Planning Board | Site Plan Approval and related permits |
| Town of Wappinger Zoning Board of Appeals | Area variance for lot coverage; possible additional variances required |
| Town of Wappinger Building Department | Blasting Permits; Tree Harvesting Registration |
| Town of Wappinger Highway Superintendent | Highway Work and Traffic Enhancement Permits; General Coordination |
| Town of Wappinger MS4 Official | Stormwater Pollution Prevention Plan (SWPPP) Acceptance and Monitoring |
| <i>Town of Newburgh</i> | |
| Town of Newburgh Planning Board | Site Plan Approval and related permits |
| Town of Newburgh Zoning Board of Appeals | Variance from Noise code; possible additional variances required |
| Town of Newburgh Building Department | Blasting Permits |
| Town of Newburgh Highway Superintendent | Highway Work and Traffic Enhancement Permits; General Coordination |
| Town of Newburgh MS4 Official | Stormwater Pollution Prevention Plan (SWPPP) Acceptance and Monitoring |
| OTHER ENTITIES | |
| MTA Metro-North Railroad | Approval for Crossing Tracks |
| Midtown Tracking Ventures | Coordination |
| CSX Transportation Inc. | Coordination |
| Central Hudson Gas & Electric | Coordination |
| Dynegy | Access Agreement |

Project 2A: Water Supply System Augmentation and Improvement

| Regulatory Agency | Upper Catskill Op- timization | Queens Groundwater Reactivation | Nassau County Interconnection | New Jersey In- terconnection |
|---|-------------------------------------|---------------------------------------|----------------------------------|---------------------------------|
| Federal Emergency Management Agency | | | X | X |
| U.S. Army Corp of Engineers | | | | X |
| U.S. Environmental Protection Agency | | X | | |
| U.S. Fish and Wildlife Service | X | | | X |
| Delaware River Basin Commission | | | | X |
| Office of the Governor – New Jersey | | | | X |
| New Jersey Department of Environmental Protection | | | | X |
| New York State Department of Environmental Conserva- tion | X | X | X | X |
| New York State Department of Health | X | X | X | X |
| New York State Department of State | | | X | X |
| New York State Department of Transportation | X | X | X | X |
| New York State Office of General Services | | | | X |
| New York State Office of Parks, Recreation & Historic Preservation | X | X | X | X |
| Nassau County | | | X | |
| Nassau County Department of Health | | | X | |
| Orange County | X | | | |
| Ulster County | X | | | |
| Putnam County | X | | | |
| Westchester County | X | | | |
| Village of New Paltz | X | | | |
| City of Newburgh | X | | | |
| Town of Marlborough | X | | | |
| Village of Cornwall-on-Hudson | X | | | |
| Town of New Windsor | X | | | |
| Village of Cold Spring | X | | | |
| Town of Putnam Valley | X | | | |
| Continental Village | X | | | |
| City of Peekskill | X | | | |
| Town of Cortlandt | X | | | |
| Village of Buchanan | X | | | |
| Town of Yorktown | X | | | |
| Town of New Castle | X | | | |
| Village of Pleasantville | X | | | |
| Town of Mount Pleasant | X | | | |
| New York City Council | | X | X | X |
| New York City Department of Health and Mental Hygiene | X | X | X | X |
| New York City Department of Transportation | | X | X | X |
| New York City Department of City Planning | | X | X | X |
| New York City Landmarks Preservation Commission | | X | X | |
| New York City Department of Parks and Recreation | | X | X | X |
| New York City Department of Small Business Services | | | X | X |
| New York City Public Design Commission | X | X | X | X |
| NYC Community Boards | | X | X | X |
| NYC Borough Presidents | | X | X | X |

**Potential Major Permits, Approvals, Consultation, and Coordination—
Project 2B: Bypass Tunnel Connection and RWBT Inspection and Repair,
including Wawarsing**

| Agency/Entity | Permit/Approval/Consultation/Coordination |
|--|--|
| FEDERAL | |
| U.S. Army Corps of Engineers(USACE) | Joint Permit Application (for Waters of the United States, related to elimination of leaks) |
| STATE | |
| New York State Department of Environmental Conservation (NYSDEC) | Joint Permit Application (for Freshwater Wetlands/Protection of Waters, related to elimination of leaks) |
| New York State Department of State (NYSDOS) | Joint Permit Application (for Coastal Consistency Concurrence, related to elimination of leaks) |
| New York State Department of Health (NYSDOH) | Water Supply Improvement Approval |
| AREA MUNICIPALITIES | |
| New York City | |
| New York City Department of Health and Mental Hygiene | Water Supply Improvement Approval |
| Ulster County | |
| Ulster County Department of Health | Coordination |
| Town of Wawarsing | Coordination |
| Orange County | |
| Orange County Department of Health | Coordination |
| Dutchess County | |
| Dutchess County Department of Health | Coordination |
| Putnam County | |
| Town of Putnam Valley | Coordination |
| Town of Kent | Coordination |

8. The applicant shall provide evidence of permit approvals from the agencies listed above to the Planning Board and to BC Planning, LLC and shall copy the Planning Board on relevant correspondence to ensure permit conditions or other agreements with those agencies are coordinated with the site plan approval, as applicable. Any amendment to the existing plan set must, before submission to any of the agencies listed, be sent to the Planning Board.

Landscaping Installation & Maintenance

9. All landscaping at entrances to the site must be installed before shaft drilling work commences.
10. Turf and planting areas shall be maintained, including watering,

mowing, fertilizing, pruning, mulching and other activities as necessary to maintain these areas in living and healthy condition throughout the shaft and tunnel construction phases of the project.

Financial Security

11. The NYC DEP shall satisfy the financial security requirements set forth in the Newburgh Town Code (or as modified by an agreement entered into with the town board). Appropriate inspection fees shall also be posted. Where appropriate, consideration shall be given to restoration security in lieu of performance security. Restoration security shall be in an amount sufficient to enable the town to return the site to a safe, stable and secure condition in the event the NYC DEP fails to do so after due notice. All submissions made related to financial security and inspection fees shall identify this project by both project name and project number [2011-15].

12. In reaching agreement with the town concerning the scope and adequacy of security (and inspection fees) the following categories of security shall be considered:
 - Landscape Security & Inspection Fee [\$4,000]
 - Stormwater Improvement Security & Inspection Fee
 - Water Main Extension Security & Inspection Fee

Landscape Security & Inspection Fee

13. Unless modified by an agreement entered into with the town board, this approval shall be subject to the applicant posting, with the Town Clerk, pursuant to 185-57 (L), together with 163-9 (B) [incorporated therein by reference], as well as 185-50 (D), a performance security, in an amount to be fixed by the town

board upon recommendation of the town's landscape consultant in order to secure timely completion and appropriate maintenance of the construction phase landscaping improvements depicted on the plans, satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. The performance security shall recite that all improvements secured thereby shall be completed within three year(s) of this approval and maintained for a period of two years thereafter. The Town's Landscape Architect, is hereby authorized to periodically inspect the site in order to insure compliance with this condition. A separate inspection fee in an amount in accordance with Section 104-2 (G)(6) shall be submitted and deposited in an escrow account to cover the cost of the Town's Landscape Architect services. The applicant shall be required to pay the required landscaping security to the town before the plans are signed. The amount of the landscape security may be adjusted (upon recommendation of the Town's landscape consultant) if warranted due to changes in the market pricing of the required landscape materials. The applicant shall be required to pay the required landscaping inspection fee in the amount of \$4,000 to the town before the plans are signed.

14. The applicant shall also be required, upon completion of the tunnel, to post, in addition to the security now required, an additional performance security, in an amount to be fixed by the town board upon recommendation of the town's landscape consultant, in order to secure timely completion and appropriate maintenance of the final landscaping improvements depicted on the plans, satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. The bond shall recite that all improvements secured

thereby shall be completed within three year(s) of this approval and maintained for a period of two years thereafter. The Town's Landscape Architect, is hereby authorized to periodically inspect the site in order to insure compliance with this condition. A separate inspection fee in an amount in accordance with Section 104-2 (G)(6) shall be submitted and deposited in an escrow account to cover the cost of the Town's Landscape Architect services. The applicant shall be required to pay the required landscaping security to the town before the plans are signed. The amount of the landscape security may be adjusted (upon recommendation of the Town's landscape consultant) if warranted due to changes in the market pricing of the required landscape materials. The applicant shall be required to pay the required landscaping inspection fee in the amount of \$4,000 to the town before the plans are signed.

Stormwater Management Security & Inspection Fee

15. Unless modified by an agreement entered into with the town board, prior to the signing of plans, the applicant shall deliver a performance security to the Town Clerk, pursuant to Section 157-10 (B) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the applicant will faithfully cause to be constructed and completed the required public stormwater improvements shown on the plans. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years shall be set forth in the document of surety within which required improvements must be completed. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the

plans. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be submitted and deposited in an escrow account to cover the cost of the Town's periodic inspection of the erosion control measures to be implemented by the applicant.

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

Water Main Extension Security & Inspection Fee

17. Unless modified by an agreement entered into with the town board, prior to the signing of plans, the applicant shall deliver a performance security to the Town Clerk, pursuant to Sections 179-32 (I) and 163-9 of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the applicant will faithfully cause to be constructed and completed the required public water system improvements. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. It shall be in an amount sufficient to cover the entire cost of the water system as shown on the approved plans. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans.

Outdoor Fixtures & Amenities

18. This site plan approval allows construction of only that which is

shown on the plans identified above. No outdoor amenities or accessory structures or outdoor fixtures—including but not limited to exterior walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.

General Conditions

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

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

Approval of the final site plan shall, pursuant to Section 185-58 (E) of the Zoning Ordinance, be valid for two years from the date this resolution is filed in

the office of the Town Clerk, after which time this approval shall be null and void unless construction authorized by this approval has commenced within that time, the plan must be resubmitted to the Planning Board for approval.

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

In Favor 4 Against 0 Abstain Absent 3

Dated: July 5, 2012

JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

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

I, JOHN P. EWASUTYN, Chairman of the Planning Board of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Resolution maintained in the office of the Town of Newburgh Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on July 5, 2012.

JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

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

ANDREW J. ZARUTSKIE, CLERK
TOWN OF NEWBURGH

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N-11.15