

PB# 93-32

Lafayette Paper Co.

37-1-42.1

35 - 2 Forge Hill Rd. - Unions, New York

Approved 11/8/93

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

1871
Oct 27 1993

Received of Lafayette Paper LP \$ 50.00
Fifty and 00/100 DOLLARS

For P.B. #93-32 Application Fee

DISTRIBUTION

FUND	CODE	AMOUNT
<u>CK 1716</u>		<u>50.00</u>

By Pauline H. Townsend
Town Clerk
Title

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TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

1871
Oct 27 1993

Received of Town Clerk \$ 800.00
Eight Hundred 00/100 DOLLARS

For Planning Board #93-32 Escrow Lafayette Paper

DISTRIBUTION

FUND	CODE	AMOUNT
<u>CK 1717</u>		<u>800.00</u>

By Li
Comptroller
Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

1871
November 8 1993

Received of Lafayette Paper LP \$ 260.00
Two Hundred Sixty and 00/100 DOLLARS

For P.B. Approval Fees #93-32

DISTRIBUTION

FUND	CODE	AMOUNT
<u>P.B. #1744</u>		<u>\$260.00</u>

By Pauline H. Townsend
Town Clerk
Title

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CK 1716		100.00

Town Clerk
Title

WILLIAMSON LAW BOOK CO. VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

1.
Oct 27 1993

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For Planning Board #93-32 Escrow Lafayette Paper

DISTRIBUTION

FUND	CODE	AMOUNT
CK 1717		800.00

By [Signature]
Comptroller
Title

WILLIAMSON LAW BOOK CO. VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

18.
November 8 1993

Received of Lafayette Paper LP \$ 260.00
Two Hundred Sixty and 00/100 DOLLARS

For P.B. Approval Fees #93-32

DISTRIBUTION

FUND	CODE	AMOUNT
CPB # 1744		260.00

By Pauline H. Theodore
Town Clerk
Title

WILLIAMSON LAW BOOK CO. VICTOR, N.Y. 14564

Planning Board
Town Hall
555 Union Ave.
New Windsor, N.Y. 12553

NO. 93-32
November 8, 1993

RECEIVED FROM Lafayette Paper L.P.

One Thousand 00/100 DOLLARS

One Lot Recreation Fee

Account Total \$ 4,000.00
Amount Paid \$ 4,000.00
Balance Due \$ -0-

[Signature] 11/6/93
Mural Mason, Secy to the P.B.

93-32

Map Number 229-93 City
Section 7 Block 1 Lot 42 Town New Windsor
Village

Title: Lafayette Paper LP

Dated: 10-26-93 Filed 11-9-93

Approved by Carmen D'Alaldi Jr.

on 11/8/93

Record Owner Cornwall Paper Mills Co.

(1 sheet)

MARION S. MURPHY
Orange County Clerk

LAFAYETTE PAPER L.P.

1741

TOWN OF NEW WINDSOR

1741

11/27/93

\$260.00

In Payment For:

Purchase
#00082122

11/2/93

\$260.00

LAFAYETTE PAPER L.P.

1742

TOWN OF NEW WINDSOR

1742

11/27/93

\$1,000.00

In Payment For:

Purchase
#00082122

11/2/93

\$1,000.00

LAFAYETTE PAPER L.P.

1716

TOWN OF NEW WINDSOR

1716

0/22/93

\$50.00

In Payment For:

Purchase
#00090464

10/22/93

\$50.00

LAFAYETTE PAPER L.P.

1717

TOWN OF NEW WINDSOR

1717

0/22/93

\$800.00

In Payment For:

Purchase
#00090465

10/22/93

\$800.00



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/01/93

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 93-32

NAME: LAFAYETTE PAPER, L.P.
APPLICANT: LAFAYETTE PAPER, L.P.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
11/08/93	PLANS STAMPED	APPROVED
10/27/93	P.B. APPEARANCE . MODIFY PLAN AS DISCUSSED WITH MARK	LA:ND WVE P.H.:APPRD

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/01/93

PAGE

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 93-32

NAME: LAFAYETTE PAPER, L.P.

APPLICANT: LAFAYETTE PAPER, L.P.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-
10/27/93	2 COMM. LOTS @400.EA	PAID		800.00	
10/27/93	P.B. ATTY. FEE	CHG	35.00		
10/27/93	P.B. MINUTES	CHG	72.00		
11/17/93	P.B. ENGINEER FEE	CHG	85.00		
12/01/93	RETURN TO APPLICANT	CHG	608.00		
	TOTAL:		800.00	800.00	0

*Please issue a check in the
amount of \$608.00 to:*

*Lafayette Paper, L.P.
754 Forge Hill Rd.
New Windsor, N.Y. 12553*

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/01/93

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 93-32

NAME: LAFAYETTE PAPER, L.P.

APPLICANT: LAFAYETTE PAPER, L.P.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	10/27/93	MUNICIPAL HIGHWAY	11/15/93	APPROVED
ORIG	10/27/93	MUNICIPAL WATER	11/15/93	APPROVED
ORIG	10/27/93	MUNICIPAL SEWER	11/17/93	APPROVED
ORIG	10/27/93	MUNICIPAL SANITARY	/ /	
ORIG	10/27/93	MUNICIPAL FIRE	/ /	
ORIG	10/27/93	PLANNING BOARD ENGINEER	/ /	

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEES:

APPLICATION FEE.....\$ 50.00 Pd

ESCROW:

RESIDENTIAL:

LOTS @ 150.00 (FIRST 4 LOTS).....\$

LOTS @ 75.00 (ANY OVER 4 LOTS).....\$

COMMERCIAL:

2 LOTS @ 400.00 (FIRST 4 LOTS).....\$ 800.00 Pd

LOTS @ 200.00 (ANY OVER 4 LOTS).....\$

TOTAL ESCROW DUE....\$

APPROVAL FEES MINOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 50.00

PRELIMINARY PLAT APPROVAL\$ 100.00

FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ 110.00

FINAL PLAT SECTION FEE.....\$ -150.00

BULK LAND TRANSFER...(\$100.00).....\$ -

TOTAL SUBDIVISION APPROVAL FEES.....\$ 260.00 Pd

RECREATION FEES:

1 LOTS @ \$1000.00 PER LOT.....\$ 1,000.00 Pd

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES.....\$

PLANNING BOARD ATTORNEY FEES.....\$

MINUTES OF MEETINGS.....\$

OTHER.....\$

PERFORMANCE BOND AMOUNT.....\$

5% OF ABOVE AMOUNT.....\$ -

ESTIMATE OF PRIVATE IMPROVEMENTS: \$

4% OF FIRST \$50,000.00 OF ABOVE:.....\$

2% OF REMAINDER OF ABOVE:.....\$

TOTAL INSPECTION FEE DUE:.....\$

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 93- 32

FOR WORK DONE PRIOR TO: 11/17/93

TASK-NO	REC	--DATE--	TRAN	EXPL	ACT	DESCRIPTION-----	RATE	HRS.	-----DOLLARS-----				
									TIME	EXP.	BILLED	BALANCE	
93-32	81352	10/29/93	TIME	NOX	CL	L/LTR	25.00	0.60	15.00				
93-32	81765	11/02/93	TIME	NJE	HC	LAFAYETTE TCB	70.00	0.30	21.00				
93-32	81768	11/04/93	TIME	NJE	HC	LAFAYETTE FINAL REV	70.00	0.40	28.00				
93-32	81771	11/04/93	TIME	NJE	HC	LAF-AGMT W/ATTY	70.00	0.30	21.00				
TASK TOTAL									=====	=====	=====	=====	
									85.00	0.00	0.00	85.00	
GRAND TOTAL									=====	=====	=====	=====	
									85.00	0.00	0.00	85.00	

DISCUSSION

LAFAYETTE PAPER SUBDIVISION - FORGE HILL ROAD

Joseph Rones, Esq., Mr. Fernand Brule and James Clearwater appeared before the board for this proposal.

MR. RONES: With me is James Clearwater and Fernand Brule, chief executive officer.

MR. PETRO: This was before the board some time ago also, is that correct, the same subdivision?

MR. RONES: Well, not as a subdivision.

MR. PETRO: They wanted to cut the house off.

MR. RONES: Right along at this point, there's a two acre parcel that we need to cut out of the 30 acre parcel on the south side of Forge Hill Road, comprises the present warehouse and there's a refinancing of the existing corporate debt as well as a New York State Economic Development Transaction to finance various capitol improvements for the paper mill and this parcel is not part of that transaction. The problem is of course that in order to make it not part of that transaction in other words to exclude it from the legal description of the whole property, it's necessary to have the Planning Board approve the new lot line so that it is a legal subdivision. But this doesn't impact on the existing mill operation, it's on the other side of the road and complies with all the current zoning and setback requirements. So it's just a two lot subdivision.

MR. VAN LEEUWEN: I hate to load you right up but there's the landfill on that property.

MR. RONES: Landfill, I don't know that there's a landfill.

MR. BRULE: There's no landfill on the property.

MR. VAN LEEUWEN: We're talking about the San Giacomo property, there's a landfill.

MR. LANDER: Well, this property isn't property that is owned by San Giacomo, there's San Giacomo property to the east over here.

MR. PETRO: I believe that is approximately what he is talking about.

MR. BABCOCK: Yes.

MR. CLEARWATER: Property owned by Lafayette Oaper does not contain the landfill or any landfill. Lafayette Paper bought Cornwall Paper Mills out of bankruptcy. They did not buy the lands and the assets of San Giacomo Company, there's still parcels of land owned by San Giacomo.

MR. VAN LEEUWEN: I thought the new people bought everything.

MR. CLEARWATER: No.

MR. RONES: No, just the mill and this, the property that you see that is outlined in blue.

MR. VAN LEEUWEN: Is what they bought.

MR. CLEARWATER: That is right.

MR. SCHIEFER: 30 acres plus.

MR. RONES: Yes and there's another small tax lot parcel right here that is already a separate tax lot and this is all part of the same, curiously enough this is all part of the same tax lot and this is what we want to take out here.

MR. PETRO: In forming the new lot, just to the, going to the east, you have the two story frame dwelling. Is there still going to be access to that dwelling cause obviously you could come across lot two you know to get to it, I see a retaining wall across the front of the property.

MR. CLEARWATER: It's more of a curb than a retaining

wall, it's low and any parking would be in front of it.

MR. PETRO: Parking in front of that little retaining wall.

MR. CLEARWATER: That is right.

MR. PETRO: But the parking would be in the road easement, it's not on the parcel.

MR. CLEARWATER: Parking is in the very front along the road, yes.

MR. PETRO: It's not on their own lot.

MR. CLEARWATER: There's no established right-of-way at that point on Forge Hill Road. Establishing a right-of-way is here, it stops here, this section of Forge Hill Road does not have an established right-of-way.

MR. PETRO: Who owns this land here?

MR. CLEARWATER: Lafayette Paper owns Forge Hill Road subject to the rights of the public.

MR. VAN LEEUWEN: How about getting the road turned over to the Town while we're at it?

MR. CLEARWATER: It's a county road, I don't think the Town would want it.

MR. VAN LEEUWEN: I'm sorry.

MR. EDSALL: Yes, it is.

MR. PETRO: Mark, you don't see any problem with what I was talking about?

MR. EDSALL: Which one?

MR. PETRO: With the two story frame dwelling, not having any driveway into the parcel they are parking in front of the retaining wall.

MR. BRULE: There's a driveway going into it right here, there's a driveway and parking right next--

MR. PETRO: You can drive up through it.

MR. BRULE: Yeah, right next to it, to the house.

MR. PETRO: The retaining wall looks like it's going through the driveway.

MR. BRULE: There's an opening, it's really, I just a curb section of curb.

MR. PETRO: Any comments?

MR. EDSALL: I didn't have the time to prepare typed comments but I have some notes from my reviewing the plan if you want them really the only concern I had from a zoning standpoint was number one, does the lot that is being created meet zoning and that is an interesting question to answer because being that it is R3, the use that is there isn't permitted anyway so there's no bulk requirements and you really can't set or change the front yard setback or any other dimensions cause the building is already there. So that didn't seem to be a problem. So the second question I asked was and I did have the opportunity to talk to Jim Clearwater and Joe Rones does the two story frame building on the right side to the east if that was created as its own lot sometime in the future, can that meet zoning or are we by creating this line making that substandard? Jim responded to that question and in fact without considering track three which is the old railroad track, that lot does comply with the minimum bulk requirements for the R-3 Zone so as a standard alone lot, that lot is fine as well so therefore from a zoning standpoint, I have really no concerns looking at the plan. It's a good time to answer or at least ask for some answers to some questions like are they willing to go to the County of Orange and for the involved lot, dedicate the necessary strip so that they have the proper highway right-of-way. I think we should ask that only as a courtesy to the County. It won't effect anything other than making it easier for the County to document the

right-of-way. Second questions there's an encroachment in the back where the fence and the storage yard goes onto lands which appear to me to be the Town of New Windsor lands. I think you should try to get some type of an answer or commitment there, that is not permanent and they are willing to get of the Town property or at least talk to the Town as to whether or not that is an acceptable condition. I had some other comments I talked to Jim about as far as changing some designation is and on the drafting to make it easier for us unknowledgeable people who aren't familiar with the property to understand the plan a little better and we have come to an understanding on that. I think the plan should note whether or not this two story frame dwelling is on or off sewer, I've gotten the answer that it has a sanitary system we should just really put it on. Mostly comments for information so when we file it there's additional information for use in the future. I don't have a problem with the plan, it's a very minor action.

MR. CLEARWATER: The more important thing to remember about this whole thing is that everything there is existing, nothing is going to be built. All we're doing is drawing a line around an existing building.

MR. LANDER: You're moving this line here?

MR. CLEARWATER: No, all that stays as is.

MR. PETRO: It is existing, just bear me out, it is existing already but we're now drawing the line, we're creating the side yards, front yards, so that is why we have to review it, obviously.

MR. EDSALL: One other comment that Jim or Bob Rogers noted in his comment sheet is obviously if the use of this new lot this block warehouse changes that is a site plan issue and it's something that has to come back to this board anyway so that is why our review of the use or the parking or anything else we're not doing now because what's there is there and if it is going to change, we'll look at it later.

MR. PETRO: We're creating a front yard now.

MR. EDSALL: Actually the front yard is not changing because the road is already there. I'm sure under the state highway law that the county has their rights, this just makes it easier to document it.

MR. PETRO: You're creating a 25 foot front yard whereas before they had all the way across the road to the other building.

MR. EDSALL: Yes and no because I'm sure under the State Law relative to highways, they have beneficial use of the road, it's pretty obvious so what's there is there. I'm sure that they have the legal right to draw their own line. We're just creating some paperwork that makes it not necessary for them to create the line but rather we do it.

MR. VAN LEEUWEN: Wherever we run into a problem where the road has not been turned over to the Town, it's been our policy that the road easement is turned over to the County or Town.

MR. RONES: There is no problem with that. I've spoken with Mr. Brule and there's no problem with making the appropriate dedications to the County with respect to the roadway.

MR. CLEARWATER: I think it was interesting when the county rebuilt the bridge across Moodna they acquired the right-of-way that is there now why they didn't acquire it for the rest of it, I don't know. But they must have had their reason.

MR. PETRO: Staying away from the dump down there.

MR. VAN LEEUWEN: There's a dump there, I know there is.

MR. EDSALL: Yeah, the point being is that if you are going to create a new deed now when you sell the lot, we might as well subtract off the county strip now.

MR. PETRO: Looks like we want to do some housekeeping with the chain link fence and getting the rest of the

road dedicated.

MR. EDSALL: I'm not sure of the issues such as the encroachment to the Town and the conditions of approval you should get it on the record that they's take action to find out if they talk to the Town Board, if they talk to whoever is responsible just do something about it.

MR. RONES: There will be other opportunities as you know there's some other homes that are included in the property and across the street and there's a large tract of land, there's some major capitol improvement about to be done to the plant in the near future so there will be additional opportunities for the Planning Board in the future to review the situation on the site.

MR. PETRO: Next time you're in, if you can give us an update on the progress.

MR. RONES: Now, you know I know we're here, we just got this application in today and this is really somewhat presumptuous for me to ask but I have got to ask you because we really need it and that is that so let me get it out and explain the situation and then hopefully persuade you as I said couple of months ago, Mr. Brule and his company were presented with this beautiful huge check, I wish he brought it with you but the huge, big cardboard check by Mr. Lundine with respect to the State's participation in the capitol improvements that are being made to the project and it's of course this parcel was not included in the proposition all along but unfortunately, it was kind of at the 11th hour that one of the attorneys for the State realized that there was no subdivision approval for the exclusion of this parcel. So this problem has held up or is holding up closing that transaction and causing a great hardship as far as the timetable and various obligations that Lafayette Paper has to its employees, to 20 various other people interested in companies, interested in the product that is produced here as well as the project so since really--

MR. VAN LEEUWEN: Is the mill in operation now at the

moment?

MR. BRULE: Half of it is.

MR. PETRO: How many people do you employ there?

MR. BRULE: Right now 50 and we're going to 75 and it's basically waiting for that loan to be approved or finalized and then we can hire others.

MR. RONES: So I mean we're not creating really any new situation here or any new development by virtue of this subdivision. The newly created lot and the impact that it has on the adjoining lots doesn't reduce or compromise the zoning situation there so I know it's very rarely done but we'd all appreciate it, if this would be one of those occasions where the Planning Board could grant approval to the subdivision subject to whatever technical requirements Mark and the consultants have additions or cleaning up of the map.

MR. PETRO: I'll speak first, is that okay? I'm sure it is.

MR. VAN LEEUWEN: You don't have to ask to speak first.

MR. PETRO: I wasn't looking at you, I mean in the direction 75 people going to be employed, I'm a hundred percent for it and I think we should do something now subject to the technicalities and I think we should do it tonight like now. You pay school taxes there?

MR. BRULE: Yes.

MR. PETRO: How about state, county and town taxes?

MR. BRULE: Yes.

MR. VAN LEEUWEN: Did you get any abatements?

MR. BRULE: No.

MR. PETRO: On new construction, you can only own state and county, not the school.

October 27, 1993

30

MR. CLEARWATER: Actually paid up all the back taxes, right?

MR. BRULE: That is right.

MR. VAN LEEUWEN: Well, that was in the deal you guys made a good deal.

MR. LANDER: I have no problem.

MR. VAN LEEUWEN: I'm sure it came off the deal someplace.

MR. PETRO: We'll poll the board subject to technicalities.

MR. SCHIEFER: Mark, do you foresee any problems?

MR. EDSALL: I tend to agree with Jim, it's a situation where the Town in the long run is going to benefit by keeping this site improving. They are not, if they are coming in with a site plan and we need it to make site reviews or see what's out there, I'd be more concerned but they are not proposing anything other than to break off one portion of a very large parcel so I really don't see any problem with it.

MR. SCHIEFER: I have no problem with it.

MR. VAN LEEUWEN: I don't have any problem with it, as long as they give the 50 feet to the County and get that stuff straightened away and talk to the Town Board about the encroachment.

MR. PETRO: Subject to contacting the County and see if they want will take it.

MR. VAN LEEUWEN: If Mark sees that everything is all right, then let the secretary stamp it. I'll so move the motion.

MR. SCHIEFER: I'll second the motion.

MR. EDSALL: Before you get to that, I think we should make sure that this action would stand scrutiny from

attorneys, let's get SEQRA out of the way.

MR. SCHIEFER: Lead agency, I'll make a motion for lead agency.

MR. VAN LEEUWEN: I'll second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board take lead agency on the Lafayette Paper two lot subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHIEFER	AYE
MR. PETRO	AYE
MR. VAN LEEUWEN	AYE
MR. DUBALDI	AYE

MR. SCHIEFER: I make a motion that we declare negative dec on the Lafayette Paper 2 lot subdivision.

MR. DUBALDI: Did we waive public hearing?

MR. EDSALL: I would determine that you don't care to have one.

MR. PETRO: Under the discretionary position of the New Windsor Planning Board at this time.

MR. DUBALDI: I make a motion we waive the public hearing.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that we waive a public hearing for the Lafayette Paper two lot subdivision.

ROLL CALL

MR. LANDER	AYE
MR. SCHIEFER	AYE
MR. PETRO	AYE

9/93

PENGAD CO., BAYONNE, NJ 07002 - LASER BOND-A

MR. VAN LEEUWEN AYE
MR. DUBALDI AYE

MR. VAN LEEUWEN: Can I say something about negative dec on this thing, what about that dump sitting back there that is a little dangerous for us to give negative dec on that situation knowing what we know. Couldn't say I don't know about it because I do know about it.

MR. PETRO: We're not changing anything on the site and we're creating a second lot, I believe is nowhere near the contaminated property, we don't know that it is contaminated property.

MR. VAN LEEUWEN: It's part of the property.

MR. PETRO: Lafayette Paper owns this property and San Giacomo owns the other property, it's a different lot.

MR. EDSALL: It's my understanding it's a separate owner.

MR. SCHIEFER: I have been told twice that the toxic, possible toxic dump site is not on the Lafayette property and it is on the San Giacomo property and that is the case then I don't see why we have to assume that is the case.

MR. EDSALL: Hank is right, we should just note that we're aware of it and that we considered it.

MR. PETRO: Of a possible site number one.

MR. EDSALL: If you were looking at a site development it would not matter if it was on adjoining property, you would be building next to something that you should be considering but this application is not proposing to do anything other than draw a property line so with that narrow, narrow scope in mind, I believe the board would be correct in saying that being that that is the only thing they are asking for even though you're aware of this situation in joining the property, it has no impact on what's being asked of the board if they come back and they propose something on their property near

the site, then you may have to look at it but for what they want, I don't believe it's pertinent.

MR. CLEARWATER: That is right.

MR. KRIEGER: I would agree.

MR. EDSALL: Purely from SEQRA what they are asking for and what effect this possible or we know there's a site there but what's there we don't know what effect that would have on this action. I think there's none.

MR. KRIEGER: On this action.

MR. EDSALL: This action alone.

MR. VAN LEEUWEN: Time out. When this property was originally bought and sold to Lafayette Paper Company, who was it bought from?

MR. RONES: Trustee in bankruptcy. It was bought from the trustee in bankruptcy, was bought for a company called BMI Cellcap, Inc. which purchased the property from the bankruptcy trustee.

MR. PETRO: Any environmental done for any of the banks and it was all negative?

MR. BRULE: Yes, we took out the things on the ground here.

MR. PETRO: I don't think we'd have any problem just knowing that alone puts us in the clear.

MR. VAN LEEUWEN: I'm not done yet. How did this line appear here because originally this was all one piece of property?

MR. CLEARWATER: No, it was never one piece of property. There were several pieces of property owned by several different tenants, Cornwall Paper Mills, San Giacomo Company of Orange, San Giacomo Company, there were several.

MR. VAN LEEUWEN: And there still are.

MR. BRULE: The bank and everybody looked into it very carefully, there's no relation at all. Cornwall Paper Company owned what is shown here, that is all the Cornwall Paper Company owned.

MR. VAN LEEUWEN: You see what's happened to us before and Joe knows that we have had lines drawn on a piece of paper, went to the County and it went right on through.

MR. PETRO: If you would ask the applicant when you just purchased this property the banks that were involved did these environmental on the site, that is under discussion note and under requirements.

MR. BRULE: Yes.

MR. PETRO: And their findings were negative?

MR. BRULE: Yes, they were negative.

MR. PETRO: Thank you.

MR. RONES: Just to clarify that, as Mr. Brule said there were some underground storage tanks on the south side of the road that were removed based on the results of the environmental audit. However, the dump issue that Mr. Van Leeuwen is talking about based on the environmental audits that were done was determined not to be on the property that is the subject this application, that is what you see in the blue outline.

MR. PETRO: I think that explains it.

MR. RONES: Which conforms to the tax lot here that we're talking about, making this subdivision out of the section 3 block 1 lot 42.1. That is what all of this is.

MR. VAN LEEUWEN: Okay.

MR. RONES: So the other issue involves these or possible issue which hasn't been confirmed but there are these feelings that involves the lands that are

presently owned by the San Giacomo Company to the east of this site.

MR. VAN LEEUWEN: That is going to go to the County you and I both know that.

MR. RONES: No, I don't know that.

MR. VAN LEEUWEN: They know it is there, everybody knows it's there and that will be just given up for nonpayment of taxes and the Town will wind up for it and the Town of New Windsor will have to clean it up. I see the handwriting on the wall right across that wall there.

MR. PETRO: Okay gentlemen.

MR. VAN LEEUWEN: Joe, you're a tax payer in New Windsor just as I am.

MR. RONES: It doesn't have anything to do with this application, this is a different owner.

MR. SCHIEFER: It's really not part of the property.

MR. VAN LEEUWEN: So move for negative dec.

MR. SCHIEFER: I moved.

MR. VAN LEEUWEN: I'll second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec on the Lafayette Paper site plan 2 lot subdivision.

ROLL CALL

MR. LANDER	AYE
MR. SCHIEFER	AYE
MR. PETRO	AYE
MR. VAN LEEUWEN	AYE
MR. DUBALDI	AYE

MR. VAN LEEUWEN: I make a motion to approve this two lot subdivision provided the following provisions are

9/93

PENGAD CO., BAYONNE, NJ 07002 - LASER BOND A

met and I haven't had a good day.

MR. PETRO: Notification that a possible easement or right-of-way can be given to them for the section already owned by the County also when the time comes for a site plan in the future or sometime the property owners in the Town of New Windsor feel confident that the fence and storage yard on their property to the north of the site will be either corrected or removed.

MR. SCHIEFER: What was that?

MR. PETRO: Chain link fence and the storage yard also another subject that we should put in there and that is that their application is here under discussion only and that all fees and everything were paid, will be paid to the Town of New Windsor tomorrow or before anything is stamped.

MR. EDSALL: On the modifications to the format of some of the drafting that Jim and I talked about it's a minor adjustment to the plan as it's presented.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant two lot subdivision to Lafayette Paper of Town of New Windsor, Orange County, with the subject tos that have already been written into the minutes. Is there any further discussion from the board members?

MR. RONES: Can I just make one comment with respect to the dedication of the road. Will it suffice that we have an agreement that will make that dedication rather than actually completed because the actual completion of the dedication process takes quite a while.

MR. EDSALL: Tad Seaman, basically, we worked up a procedure where if it is a new road that is going in, we don't even want to talk to anyone until the proper procedures are gone through with the offers of dedication, if the roads there are there and they are giving us the courtesy of straightening out something that wasn't done correctly, Tad's opinion is you can file a subdivision just make them commit to it so the agreement is fine.

October 27, 1993

37

MR. PETRO: Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. SCHIEFER	AYE
MR. PETRO	AYE
MR. VAN LEEUWEN	AYE
MR. DUBALDI	AYE

9/93

PENGAD CO. BAYONNE, NJ 07002 - LASER BOND-A



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office**
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

29 October 1993

Lafayette Paper, L.P.
754 Forge Hill Road
New Windsor, New York 12553

SUBJECT: LAFAYETTE PAPER COMPANY MINOR SUBDIVISION - T/NEW WINDSOR
NEW WINDSOR PLANNING BOARD NO. 93-32

Gentlemen:

This letter is intended to confirm the action of the Town of New Windsor Planning Board at their regular meeting on 27 October 1993, at which time the Planning Board granted conditional final subdivision approval to the subject subdivision.

Upon compliance with the conditions of approval and the timely submittal of a corrected final subdivision plan, per normal procedure of the Board, the Secretary will stamp and sign a record approved plan.

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

cc: Planning Board File 93-32

A:LAFAYETT.mk

RESULTS OF P.B. MEETING

DATE: October 27, 1993

PROJECT NAME: Lafayette Paper Co. PROJECT NUMBER 93-32

LEAD AGENCY: * NEGATIVE DEC:
*
M) S S) V VOTE: A 5 N 0 * M) S S) V VOTE: A 5 N 0
*

CARRIED: YES ✓ NO _____ * CARRIED: YES: ✓ NO _____
*

PUBLIC HEARING: M) D S) L VOTE: A 5 N 0

WAIVED: YES ✓ NO _____

SEND TO OR. CO. PLANNING: M) S VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S VOTE: A N YES NO

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:

M) S VOTE: A _____ N _____ APPROVED: _____

M) V S) _____ VOTE: A 5 N 0 APPR. CONDITIONALLY: Per Mark's Approval

NEED NEW PLANS: YES ✓ NO _____

DISCUSSION/APPROVAL CONDITIONS: _____

finer ^{+ storage yard} to be made correct with the Town Board
R.O.W for County - County to be contacted

Modifications to plan as discussed w/ Mark



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 92-32

DATE PLAN RECEIVED: OCT 27 1998

The maps and plans for the Site Approval Lafayette Paper
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved _____,
disapproved _____.

If disapproved, please list reason _____

Fred Sup Jr 11/15/98
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 27 October 1993
SUBJECT: Lafayette Paper L.P.

PLANNING BOARD REFERENCE NUMBER: PB-93-32
DATED: 27 October 1993

FIRE PREVENTION REFERENCE NUMBER: FPS-93-062

A review of the above referenced subject subdivision plan was conducted on 27 October 1993.

This subdivision plan is approved. I would however, request that any proposed use change be further reviewed by the Planning Board and this writer.

PLANS DATED: 26 October 1993.



Robert F. Rodgers; CCA
Fire Inspector

RFR:mr
Att.

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

(This is a two-sided form)

APPLICATION FOR SITE PLAN, SUBDIVISION PLAN,
OR LOT LINE CHANGE APPROVAL

1. Name of Project LAFAYETTE PAPER, L.P.
2. Name of Applicant SAME Phone 534-4100
Address 754 FORGE HILL ROAD NEW WINDSOR NY 12553
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record LAFAYETTE PAPER LP Phone SAME
Address SAME
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan RAYMOND ASSOCIATE Phone 782-8681
Address 110 STAGE ROAD MONROE, N.Y. 10950
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney JOSEPH P. RONES Phone 562-0203
Address 436 S. ROBINSON AVE. NEWBURGH NY 12550
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting JOSEPH P. RONES Phone 534-4100
(Name)
7. Location: On the NORTH & SOUTH side of FORGE HILL ROAD
(Street)
1750'± feet WEST of Rt. 9W
(Direction) (Street)
8. Acreage of Parcel 42.8 9. Zone R3, 9A. School Dist —
- 9B. If this property is within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District, please complete the attached Agricultural Data Statement.
10. Tax Map Designation: Section 37 Block 1 Lot 42.1
11. This application is for 2 LOT SUBDIVISION

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name _____

13. List all contiguous holdings in the same ownership
Section 37 Block 1 Lot(s) 42.1 & 40.21

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

Fernand A. Brule being duly sworn, deposes and says that he resides at 2 Park Place apt. A1E Newburg in the County of Orange and State of New York and that he is (the owner in fee) of Chief Executive Officer (Official Title) of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized by the General Partner to make the foregoing application as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

Lafayette Paper L.P.

(Owner's Signature)

27th day of October 1993

Fernand A Brule
(Applicant's Signature)

Joseph P. Rones
Notary Public

Chief Executive Officer
(Title)

JOSEPH P. RONES
Notary Public, State of New York
Qualified in Orange County 94
Commission Expires June 30, 1994

PROJECT I.D. NUMBER

617.21

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR LAFAYETTE PAPER, L.P.	2. PROJECT NAME LAFAYETTE PAPER, L.P.
3. PROJECT LOCATION: Municipality <u>TOWN of NEW WINDSOR</u> County <u>ORANGE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>754 FORGE HILL ROAD</u> PARCEL IS LOCATED ON BOTH THE NORTH & SOUTH SIDE OF FORGE HILL ROAD <u>1750 ±' WEST OF RT. 9W TAX MAP REFERENCE: SECTION 37 BLOCK 1 LOT 42.1</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>TWO LOT SUBDIVISION: LOT #1 40.8 ACRES, LOT #2 2.0 AC.</u> <u>ALL STRUCTURES AND SITE IMPROVEMENTS ARE EXISTING, NO CONSTRUCTION OR</u> <u>DEMOLITION IS PLANNED</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>42.8</u> acres Ultimately <u>42.8</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Fores/Open space <input type="checkbox"/> Other Describe: <u>EXISTING PAPER MILL, RESIDENTIAL SINGLE FAMILY HOMES AND UNDEVELOPED</u> <u>OPEN SPACE OWNED BY THE TOWN OF NEW WINDSOR</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>LAFAYETTE PAPER, L.P.</u>	Date: <u>OCT. 26, 1993</u>
Signature: <u>James P. Charvato Jr. PROJECT LAND SURVEYOR / RAYMOND ASSOC. PC.</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (to be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

_____ Name of Lead Agency

_____ Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer

_____ Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from responsible officer)

_____ Date



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93-32

DATE PLAN RECEIVED: OCT 27 1993

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by _____
_____ for the building or subdivision of
LAFAYETTE PAPER has been
reviewed by me and is approved _____
disapproved _____.

If disapproved, please list reason _____

No Town SEWER

HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

[Signature] 11.17.93
SANITARY SUPERINTENDENT DATE

OCT 27 1993
93-32

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

FERNAND A. BRUTE, deposes and says that he
resides at 2 PARK LANE NEWBURGH, N.Y 12550
(Owner's Address)
in the County of ORANGE
and State of NEW YORK
and that he is the owner in fee of LAFAYETTE^{PARK}, L.P.
754 FORGE HILL ROAD; NEW WINDSOR, N.Y. 12553
which is the premises described in the foregoing application and
that he has authorized JOSEPH ROWES
to make the foregoing application as described therein.

Date: 10/22/93

Fernand A. Brute
(Owner's Signature)

Raymond S. [Signature]
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

State Of New York
County Of Orange s s.:

Fernand Brule being duly sworn deposes and says:

I am the Chief Executive Officer of Lafayette Paper L.P. which is the applicant for the subdivision submitted together with this affidavit. The applicant acquired title by deeds from BMI Cellcap, Inc. on July 28, 1993. The foresaid deeds have been recorded in Orange County Clerk's Office at L.3773 page 271. L. 3858 page 128. L. 3858 page 123. Annexed is a copy of the said deeds. Lafayette Paper, L.P. is the legal owner of the property which is he subject of the application.

Fernand A Brule
Fernand Brule

Sworn to before me this
27th day of October 1993.

Joseph P. Rones
JOSEPH P. RONES
Notary Public, State of New York
Qualified in Orange County
Commission Expires June 30, 1994

TOWN OF NEW WINDSOR PLANNING BOARD

MINOR SUBDIVISION CHECKLIST

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

1. Environmental Assessment Statement
- *2. Proxy Statement
3. Application Fees
4. Completed Checklist

II. The following checklist items shall be incorporated on the Subdivision Plat prior to consideration of being placed on the Planning Board Agenda.

1. Name and address of Applicant.
- *2. Name and address of Owner.
3. Subdivision name and location.
4. Tax Map Data (Section-Block-Lot).
5. Location Map at a scale of 1" = 2,000 ft.
6. Zoning table showing what is required in the particular zone and what applicant is proposing.
7. Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8. Date of plat preparation and/or date of any plat revisions.
9. Scale the plat is drawn to and North Arrow.
10. Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
11. Surveyor's certification.
12. Surveyor's seal and signature.

*If applicable.

13. ✓ Name of adjoining owners.
14. THESE ARE NO Wetlands and 100 foot buffer zone with an
N.Y.S. PROTECTED appropriate note regarding D.E.C. require-
WETLANDS ON ments.
PROJECT SITE
- *15. Flood land boundaries.
16. N/A A note stating that the septic system for
each lot is to be designed by a licensed
professional before a building permit can
be issued.
17. ✓ Final metes and bounds.
18. ✓ Name and width of adjacent streets; the
road boundary is to be a minimum of 25 ft.
from the physical centerline of the street.
19. Include existing or proposed easements.
20. Right-of-Way widths.
21. N/A Road profile and typical section (minimum
traveled surface, excluding shoulders, is
to be 16 ft. wide).
22. ✓ Lot area (in square feet for each lot less
than 2 acres).
23. ✓ Number the lots including residual lot.
24. ✓ Show any existing waterways.
- *25. N/A A note stating a road (or any other type)
maintenance agreement is to be filed in
the Town Clerk's Office and County Clerk's
Office.
26. Applicable note pertaining to owners'
review and concurrence with plat together
with owners' signature.
27. ✓ Show any existing or proposed improvements,
i.e., drainage systems, waterlines,
sewerlines, etc. (including location, size
and depths).
28. ✓ Show all existing houses, accessory
structures, existing wells and septic
systems within 200 ft. of the parcel to be
subdivided.

*If applicable.

29. NA Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
30. NA Provide "septic" system design notes as required by the Town of New Windsor.
31. NA Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
32. NA Indicate percentage and direction of grade.
33. Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
34. _____ Provide 4" wide x 2" high box in area of title block (preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.
35. NA Indicate location of street or area lighting (if required).

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The plat for the proposed subdivision has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: James P. Chewata, LL N.Y.S. Lic. No. 49467
Licensed Professional

Date: Oct. 26, 1993

FOR OFFICIAL USE ONLY

Permit No. _____

Fee Received _____

Date _____

TOWN

of

NEW WINDSOR

ORANGE

County, New York

Permit Application for Development
in
Flood Hazard Areas

- A. General instructions page 4 (Applicant to read and sign)
- B. For assistance in completing or submittal of this application contact:

_____, Floodplain Administrator,
(Name)

(Address)
_____, NY () _____ - _____.

1. Name and Address of Applicant

LAFAYETTE PAPER, L.P.
(First Name) (MI) (Last Name)

Street Address: 754 FORGE HILL RD.

Post Office: NEW WINDSOR State: N.Y. Zip Code: 12553

Telephone: () 534 - 4100

PROJECT LOCATION

Street Address: 754 FORGIE HILL ROAD
NEW WINNSOR

Tax Map No. 37-1-421

Name of, distance and direction from nearest intersection or other landmark
1750'± WEST OF RT. 9W

Name of Waterway: MOONA CREEK

PROJECT DESCRIPTION (Check all applicable boxes and see Page 4, Item 3)

Structures

- New Construction
- Addition
- Alteration
- Relocation
- Demolition
- Replacement
- EXISTING

Structure Type

- Residential (1-4 family)
- Residential (More than 4 family)
- Commercial
- Industrial
- Mobile Home (single lot)
- Mobile Home (Park)
- Bridge or Culvert

Estimated value of improvements if addition or alteration: _____

Other Development Activities

- Fill Excavation Mining Drilling Grading
- Watercourse alteration Water System Sewer System
- Subdivision (New) Subdivision (Expansion)
- Other (Explain)

CERTIFICATION

Application is hereby made for the issuance of a floodplain development permit. The applicant certifies that the above statements are true and agrees that the issuance of the permit is based on the accuracy thereof. False statements made herein are punishable under law. As a condition to the issuance of a permit, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomsoever suffered, arising out of the project described herein and agrees to indemnify and save harmless to the community from suits, actions, damages and costs of every name and description resulting from the said project. Further, the applicant agrees that the issuance of a permit is not to be interpreted as a guarantee of freedom from risk of future flooding. The applicant certifies that the premises, structure, development, etc. will not be utilized or occupied until a Certificate of Compliance has been applied for and received.

Oct 27 '93

Date

James P. Charvot JA
Signature of Applicant

Raymond Assoc PC
for Lafayette Paper LP

_____ of _____
Flood Hazard Development Permit

Administrative Action
Completed by Floodplain Administrator

Proposed project located in "A" zone with elevation
 "A" zone without elevation
 Floodway
 Coastal High Hazard Area (V-Zone)

Base flood elevation at site is VARIES FROM 64'± to 20'±

Source documents: FLOOD INSURANCE RATE MAP # 360628 0010B

PLAN REVIEW THE BLOCK BUILDING LOCATED ON LOT #2 IS NOT
AFFECTED BY ZONE 'A' OR 'B'

Elevation to which lowest floor is to be elevated _____ ft. (NGVD)
Elevation to which structure is to be floodproofed _____ ft. (NGVD)
Elevation to which compacted fill is to be elevated _____ ft. (NGVD)

ACTION

_____ Permit is approved, proposed development in compliance with applica-
ble floodplain management standards.

_____ Additional information required for review. Specify: (i.e, encroach-
ment analysis)

___ Permit is conditionally granted, conditions attached.

___ Permit is denied. Proposed development not in conformance with applicable floodplain management standards. Explanation attached. A variance, subject to Public Notice and Hearing, is required to continue project.

Signature _____ Date _____
(Permit Issuing Officer)

This permit is valid for a period of one year from the above date of approval.

BUILDING CONSTRUCTION DOCUMENTATION

The certified "As Built" elevation of lowest floor (including basement) of structure is _____ ft. NGVD.

Certification of registered professional engineer, land surveyor or other recognized agent, documenting these elevations is attached.

CERTIFICATE OF OCCUPANCY/COMPLIANCE

Certificate of Occupancy and/or Compliance Issued:

Date _____ Signature _____

_____ of _____
_____ County, New York

Development in Flood Hazard Areas
Instructions

1. Type or print in ink
2. Submit _____ copies of all papers including detailed construction plans and specifications.
3. Furnish plans drawn to scale, showing nature, dimension and elevation of area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following is required: (A) NGVD (Mean Sea Level) elevation of lowest floor including basement of all structures; (B) description of alterations to any watercourse; (C) statement of techniques to be employed to meet requirements to anchor structures, use flood resistant materials and construction practices; (D) show new and replacement potable water supply and sewage systems will be constructed to minimize flood damage hazards; (E) Plans for subdivision proposal greater than 50 lots or 5 acres (whichever is least) must provide base flood elevations if they are not available; (F) Additional information as may be necessary for the floodplain administrator to evaluate application.

4. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the local floodplain management regulations.
5. No work on the project shall be started until a permit has been issued by the floodplain administrator.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory compliance.
7. Applicant will provide all required elevation certifications and obtain a certificate of compliance prior to any use or occupancy of any structure or other development.

Applicant's signature

James P. Cassidato
RAIMONDI ASSOCIATES
PROJECT LAND SURVEYOR
FOR LAFAYETTE PARCEL

Date

Oct 27 '93

CERTIFICATE OF COMPLIANCE
for
FLOODPLAIN DEVELOPMENT

TOWN of NEW WINDSOR
ORANGE County, N.Y.
(Applicant shall fill in all pertinent information in Section A
including 1 or 2

SECTION A

Premises location

754 FORGE HILL RD.

Permit No. _____

Variance No. _____

Date _____

Applicant
Name & Address

LAFAYETTE PAPER, L.P.

CHECK ONE

New Building _____

Existing Building _____

Other (List) _____

Telephone No.

534-4100

1. I certify that I have completed the above project in accordance with the Community's floodplain management regulations and have met all the requirements which were conditions of my permit. I now request completion of this Certificate of Compliance by the program administrator.

Signed _____

Date _____

2. I certify that I have completed the above project in accordance with conditions of variance number _____, dated _____ to the Community's floodplain management regulations and have met all requirements which were a condition of the variance. I now request completion of this certificate of compliance by the program administrator.

Signed _____

Date _____

SECTION B (Local Administrator will complete, file, and return a copy to the applicant.)

Final Inspection Date _____ by _____

This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. _____, or has a duly granted variance.

Signed _____
(Local Administrator)

Date _____

Supporting Certifications: Floodproofing, elevation, hydraulic analysis, etc; (List).

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
 THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

OCT 27 1993

93 32

PRINT ON TYPE: BLACK INK ONLY

BMI - CELLCAP, INC
 TO
 LAFAYETTE PAPER, L.P.

#93 - 1302

SECTION 37 BLOCK 1 LOT 42

RECORD AND RETURN TO:
 (Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
 RECORDED INSTRUMENT ONLY.

KAR-VIN ABSTRACT CORP.
 273 Quassalck Avenue
 New Windsor, N.Y. 12553
 (914) 562-2622 FAX (914) 565-8737

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 58723 DATE 7/25/93 AFFIDAVIT FILED _____ 19____

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

BG20 Blooming Grove _____
 CI122 Chester _____
 CO24 Cornwall _____
 CI28 Crawford _____
 DP28 Deerpark _____
 GO30 Goshen _____
 GR32 Greenville _____
 HA34 Hamptonburgh _____
 HI36 Highlands _____
 MK38 Miniskunk _____
 ME40 Monroe _____
 MY42 Montgomery _____
 MH44 Mount Hope _____
 NI46 Newburgh (I) _____
 NW48 New Windsor
 TU50 Tuxedo _____
 WL52 Walkkill _____
 WK54 Warwick _____
 WA58 Wawayanda _____
 WO58 Woodbury _____
 MH09 Middletown _____
 HC11 Newburgh _____
 PJ13 Port Jervis _____
 9999 Hold _____

SERIAL NO. _____
 Mortgage Amount \$ _____
 Exempt Yes _____ No _____
 3-6 Cooking Units Yes _____ No _____
 Received Tax on above Mortgage
 Basic \$ _____
 MIA \$ _____
 Spec. Add. \$ _____
 TOTAL \$ _____

CHECK _____ CASH _____ CHARGE
 MORTGAGE TAX \$ _____
 TRANSFER TAX \$ EXEMPT
 ED. FUND \$ 6.00
 RECORD. FEE \$ 17
 REPORT FORMS \$ 300
 CERT. COPIES \$ _____

MARION S. MURPHY
 Orange County Clerk

by: _____

ORANGE COUNTY CLERK'S OFFICE S.S.
 Recorded on JUL 29 1993
 at 2:11 O'clock P M.
 In Libor/Film 3858 deeds
 at page 123 and examined.

Marion S. Murphy
 County Clerk

RECEIVED
 EXEMPT
 \$ _____
 REAL ESTATE
JUL 29 1993
 TRANSFER TAX
 ORANGE COUNTY

ORG 07/29/93 03:17:54 36885 47.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 58723 .00 *

***** SERIAL NUMBER: 008520 *****



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

9/3/02

THIS INDENTURE, made the 20th day of July, nineteen hundred and ninety-three
BETWEEN BMI-CELLCAP, INC., a Canadian corporation, with its principal
offices at 3454 Stanley, Suite 10, Montreal, Canada H3A 1R8,

party of the first part, and LAFAYETTE PAPER, L.P., a Delaware Limited Partnership,
with principal offices at 754 Forge Hill Road, New Windsor,
New York 12553,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN (\$10.00)-----
-----dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors
and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and
being in the Town of New Windsor, County of Orange and State of New York, and being
described on Schedule A annexed.

LIBER 3858 PAGE 124

SCHEDULE A

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, in the County of Orange and State of New York, is bounded and described as follows:

DESCRIPTION OF DEED OVERLAP - CORNWALL PAPER MILLS COMPANY, LIBER 1006 PAGE 34, 4TH PARCEL AND LANDS OF SAN GIACOMO COMPANY LIBER 1266 PAGE 358

BEGINNING in the common line of lands of the cornwall paper mills company as described in the 4th parcel of Liber 1006 page 34 on the lands of San Giacomo Company as described in Liber 1719 page 167 on the northeast, said point being referenced S 46° 15' 19" E 283.76 feet along said common line from the most westerly corner of said lands of the San Giacomo Company, all as shown on a certain map entitled, "Deed Overlap Map", by Raimondi Associates, P.C., Monroe, New York dated January 27, 1993, attached hereto, and running; thence,

- 1) S 76° 04' 23" E 93.54 feet along said common line; thence,
- 2) S 13° 55' 37" W 72.76 feet along the easterly line of said described lands of the Cornwall Paper Mills Company and through lands of San Giacomo Company as described in Liber 1266 page 358; thence,
- 3) N 80° 53' 22" W 106.23 feet through the same to the most easterly line of lands of the Cornwall Paper Mills Company as described in the 8th parcel of Liber 1006, page 34, said line being also the most westerly line of said lands of San Giacomo Company as described in Liber 1266 page 358; thence
- 4) Northerly 83 +/- feet along the westerly line of said San Giacomo Company as described in Liber 1266, Page 358 and through said land of Cornwall Paper Mills Company as described in Liber 1006, page 34 to the point of BEGINNING.

LIBER 3858 PAGE 125

BY: Fernand A. Brule
FERNAND BRULE, President

LIBER 3858 PAGE 126

B 3256



TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

~~RESOLVED that execution and delivery by Fernand Brulo, as President of BMI-Collcap, Inc. (the "Corporation"), of the Asset Purchase Agreement by and among the Corporation, Cornwall Paper Mills Company, debtor and debtor-in-possession, a New Jersey corporation (the "Company"), and the Estate of Louis San Giacomo, the owner of all of the issued and outstanding shares of capital stock of the Company (the "Estate of San Giacomo") whereby the Corporation agrees to purchase certain of the assets of the Company (the "APA"), which agreement has been submitted to and approved by the sole director of the Corporation, be authorized.~~

This Resolution is made pursuant to a Board of Directors Resolution authorizing the conveyance herein.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

BMI-CELLCAP, INC.

BY: Fernand A. Brule
FERNAND BRULE, President

LIBER 3858 PAGE 126

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____, 19____, before me personally came

to me known to be the individual _____ described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 28th day of July 19 93, before me personally came FERNAND BRULE

to me known, who, being by me duly sworn, did depose and say that he resides at No. 754 Forge Hill Rd.

that New Windsor, N.Y. he is the President of BMI-Cellcap, Inc.

_____, the corporation described in and which executed the foregoing instrument; that ~~he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that~~ he signed his name thereto by like order.

NOTARY PUBLIC

VINCENT J. TANGREDI

NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ORANGE COUNTY, NO. 4707715
MY COMMISSION EXPIRES JUNE 30, 1995

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____, 19____, before me personally came

to me known to be the individual _____ described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the _____ day of _____, 19____, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

that he is the _____ of _____

_____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. _____

BMI-CELLCAP, INC., a Canadian
corporation

10

LAFAYETTE PAPER, L.P., a Delaware
Limited Partnership

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by



Commonwealth.
Land Title Insurance Company

SECTION
BLOCK
LOT
COUNTY OR TOWN

Recorded at Request of COMMONWEALTH LAND
TITLE INSURANCE COMPANY

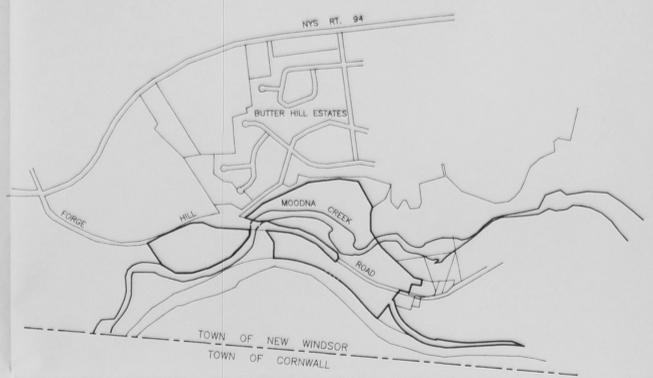
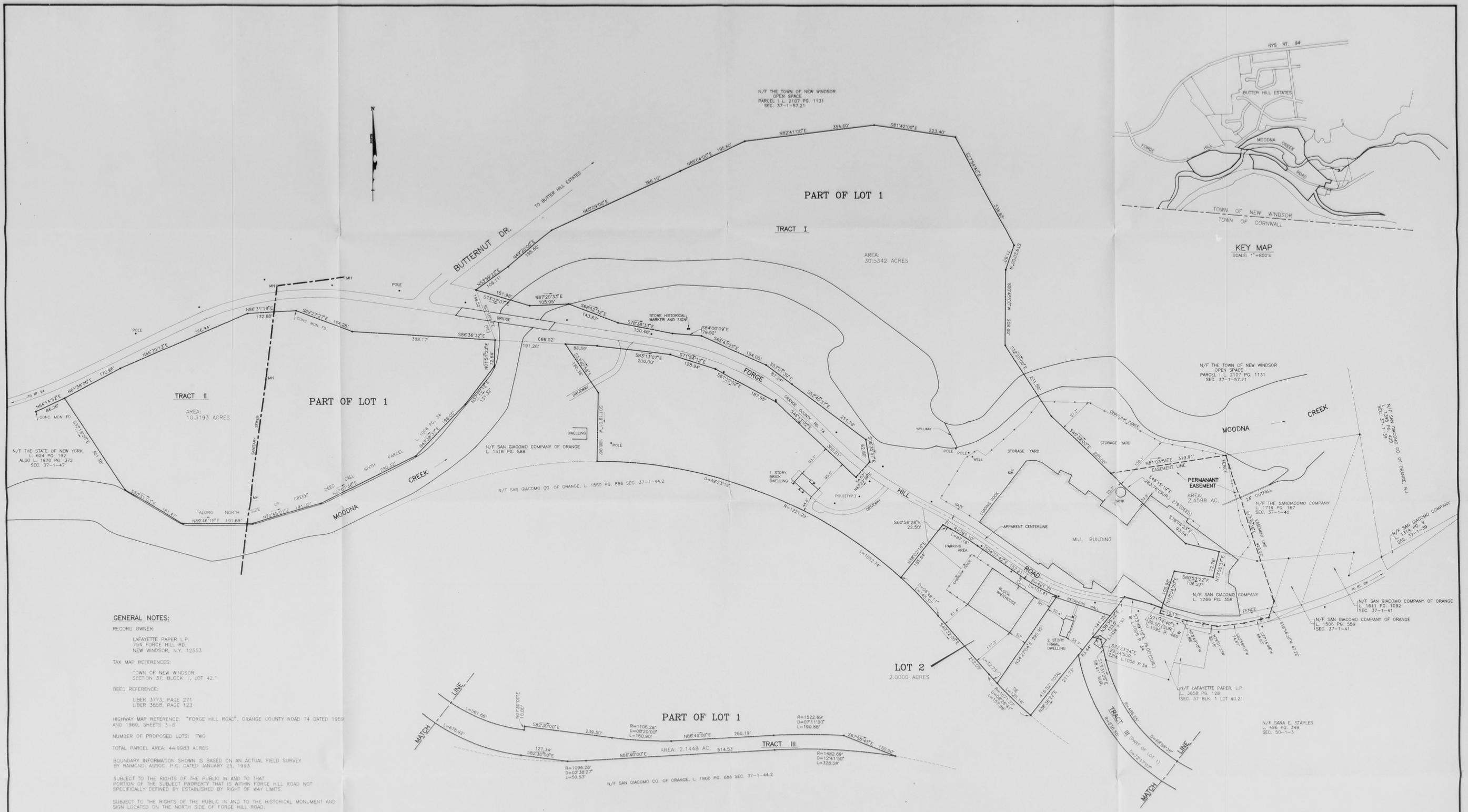
RETURN BY MAIL TO

KAR-VIN ABSTRACT CORP.
273 Quassalck Avenue
New Windsor, N.Y. 12553
(914) 582-2622 FAX (914) 565-8737

Zip No. _____

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3858 PAGE 127



GENERAL NOTES:

RECORD OWNER:
LAFAYETTE PAPER L.P.
754 FORGE HILL RD.
NEW WINDSOR, N.Y. 12553

TAX MAP REFERENCES:
TOWN OF NEW WINDSOR
SECTION 37, BLOCK 1, LOT 42.1

DEED REFERENCE:
LIBER 3773, PAGE 271
LIBER 3858, PAGE 123

HIGHWAY MAP REFERENCE: "FORGE HILL ROAD", ORANGE COUNTY ROAD 74 DATED 1959 AND 1960, SHEETS 3-6

NUMBER OF PROPOSED LOTS: TWO

TOTAL PARCEL AREA: 44.9983 ACRES

BOUNDARY INFORMATION SHOWN IS BASED ON AN ACTUAL FIELD SURVEY BY RAIMONDI ASSOC. P.C. DATED JANUARY 25, 1993.

SUBJECT TO THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE SUBJECT PROPERTY THAT IS WITHIN FORGE HILL ROAD NOT SPECIFICALLY DEFINED BY ESTABLISHED BY RIGHT OF WAY LIMITS.

SUBJECT TO THE RIGHTS OF THE PUBLIC IN AND TO THE HISTORICAL MONUMENT AND SIGN LOCATED ON THE NORTH SIDE OF FORGE HILL ROAD.

SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT TIME OF FIELD SURVEY.

SUBJECT TO AN UP TO DATE ABSTRACT OF TITLE.

ENTIRE PARCEL IS LOCATED IN THE R-3 ZONING DISTRICT.

LOT No. 1; CONSISTS OF THREE PARCELS, 30.5342 AC., 10.3193 AC., & 2.1448 AC.
LOT No. 2: 2.0000 ACRES

ALL STRUCTURES AND SITE IMPROVEMENTS ARE EXISTING. BUILDINGS ARE SERVED BY MUNICIPAL WATER AND ON SITE SEPTIC SYSTEMS.

FLOOD PLAIN INFORMATION:
F.E.M.A. RATE MAP, COMMUNITY PANEL NUMBER 360628 0010B,
DATED DEC. 15, 1978.
LOT No. 2 IS LOCATED ENTIRELY WITHIN ZONE "C".
PORTIONS OF LOT No. 1 ARE LOCATED WITHIN ZONE "A", "B" AND "C".

DATE	ISSUE	DESCRIPTION	CHKD BY
OCT. 26, 1993	2	REVISED AS PER TN. ENG. & P.L.G. BRD. COMMENTS	

FINAL PLAN
SUBDIVISION OF LANDS OF
LAFAYETTE PAPER L.P.
TOWN OF NEW WINDSOR-ORANGE COUNTY-NEW YORK

RAIMONDI ASSOCIATES, P.C.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
MONROE, N.Y.
110 STAGE ROAD
MONROE, N.Y. 10950

APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON **NOV - 8 1993**
BY *Carmen R. Dubaldi, Jr.*
SECRETARY

I CERTIFY THAT THE BOUNDARY INFORMATION SHOWN IS BASED ON AN ACTUAL FIELD SURVEY BY RAIMONDI ASSOC. P.C. DATED JANUARY 25, 1993.

James C. Cleanwater, I.S.
JAMES C. CLEANWATER, I.S.
N.Y.S. LIC. No. 49467

DATE	DRAWN BY	CHECKED BY
OCT. 26, 1993	<i>[Signature]</i>	<i>[Signature]</i>

SCALE: 1"=100' JOB No: P19203737 DWG. No. 1 OF 1